

ORDER NO. 2020-1-H

EIGHTH AMENDED ORDER OF THE MAYOR OF THE CITY OF RIO GRANDE CITY REVISING SEVERAL EMERGENCY MEASURES PREVIOUSLY RECORDED IN ORDER NO. 2020-1-G, PROVIDING FOR SHELTER AT HOME, CITY-WIDE CURFEW, PUBLIC GATHERING RESTRICTIONS, FACE COVERING REQUIREMENTS, EXTENDING THE CITY'S DISASTER DECLARATION AND EXISTING EMERGENCY MEASURES ORDER UNTIL AUGUST 31, 2020, PROVIDING FOR A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the transmission of COVID-19 has not dissipated but remains a significant threat to the health and safety of the City of Rio Grande City community and rates of infection are increasing at an alarming rate and the number of people ending up in the hospital is also dramatically rising despite efforts by individuals to control the spread; and

WHEREAS, the City has determined that it is necessary to have consistent regulations recently adopted by the June 29, 2020 Starr County Supplemental Emergency Order Related to the COVID-19 Public Health Emergency; and

WHEREAS, the Texas Governor issued Executive Order (GA-29) and an accompanying Proclamation on July 2, 2020, and has (1) required that every person shall wear a face covering over the nose and mouth when inside a commercial entity or other building or space open to the public, or when in an outdoor open space, wherever it is not feasible to maintain six feet of social distancing from another person not in the same household and (2) limited mass gatherings to 10 people or less, unless otherwise allowed by city mayor or county judge; and

WHEREAS, the City of Rio Grande City Commission's Disaster Declaration and Emergency Measures Order were set to expire on July 24, 2020; and

WHEREAS, the City of Rio Grande City Commission has determined that it is reasonable and necessary to extend the Disaster Declaration until August 31, 2020 and approve the revised Emergency Measures Order as set forth in more detail below, as compliant with the all of the Texas Governor's Executive Orders, to remain effective until August 31, 2020.

NOW, THEREFORE, I, MAYOR OF THE CITY OF CITY OF RIO GRANDE CITY, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER:

Section 1. The City of Rio Grande City adopts the regulations set out in the June 29, 2020 Starr County Supplemental Emergency Order Related to the COVID-19 Public Health Emergency, a copy is attached hereto as Exhibit A.

Section 2. Effective immediately, the City of Rio Grande City adopts the regulations set out in the July 2, 2020 Executive Order (GA-29). Specifically, the City of Rio Grande City requires that every

person shall wear a face covering over the nose and mouth when inside a commercial entity or other building or space open to the public, or when an outdoor public space, wherever it is not feasible to maintain six feet of social distancing from another person not in the same household; provided however, that this face-covering requirement does not apply to the following:

1. any person younger than 10 years of age;
2. any person with a medical condition or disability that prevents wearing a face covering;
3. any person while the person is consuming food or drink, or is seated at a restaurant to eat or drink;
4. any person while the person is (a) exercising outdoors or engaging in physical activity outdoors, and (b) maintaining a safe distance from other people not in the same household;
5. any person while the person is driving alone or with passengers who are part of the same household as the driver;
6. any person obtaining a service that requires temporary removal of the face covering for security surveillance, screening, or a need for specific access to the face, such as while visiting a bank or while obtaining a personal care service involving the face, but only to the extent necessary for the temporary removal;
7. any person while the person is in a swimming pool, lake, or similar body of water;
8. any person who is voting, assisting a voter, serving as a poll watcher, or actively administering an election, but wearing a face covering is strongly encouraged;
9. any person who is actively providing or obtaining access to religious worship, but wearing a face covering is strongly encouraged;
10. any person while the person is giving a speech for a broadcast or to an audience; or
11. any person that (a) meets the requisite criteria promulgated by the Texas Division of Emergency Management (TDEM) regarding minimal cases of COVID-19, and (b) whose county judge has affirmatively opted-out of this face-covering requirement by filing with TDEM the required face-covering attestation form—provided.

Not excepted from this face-covering requirement is any person attending a protest or demonstration involving more than 10 people and who is not practicing safe social distancing of six feet from other people not in the same household.

Following a verbal or written warning for a first-time violator of this face-covering requirement, a person's second violation shall be punishable by a fine not to exceed \$250. Each subsequent violation shall be punishable by a fine not to exceed \$250 per violation.

Section 3. Shelter at Home: All individuals currently living within City of Rio Grande City, Texas are ORDERED to SHELTER-AT-HOME in their residence. For the purposes of this Order, residences

include hotels, motels, shared rentals, and similar facilities. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably as possible maintain Physical Distancing of at least six feet from any other person when they are outside their residence.

It is highly encouraged and recommended that all commercial businesses operating within the City of Rio Grande City, except essential covered businesses should cease all activities at facilities that may not be provided by curbside, drive-through, or take-out services.

Section 4. Shelter at Home Curfew:

1. In addition to the mandate to Shelter-At-Home, all persons aged seventeen (17) and under shall be accompanied by a parent or guardian when participating in essential activity, unless that person is out for a medical emergency or to providing covered and essential services.
2. In addition to the mandate to Shelter-At-Home, all persons aged eighteen (18) and over shall be imposed from 10:00 PM to 5:00 AM, unless that person is out for a medical emergency, to provide covered essential services, or any other purpose permitted under this Order.

For purposes of this Order, individuals may leave their residence, in compliance with the SHELTER-A-T-HOME and CURFEW, only to obtain or provide 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, and products necessary to maintain the safety, sanitation, and essential operation of households, or to deliver those services or supplies to others.
- iii. To engage in outdoor activity, such as visiting open parks, hunting or fishing, engaging in physical activity like walking, running or bicycling, provided the individuals, follow CDC guidance, comply with Physical Distancing including maintaining six-foot (6) physical distancing from each other; washing hands with soap and water at least twenty seconds or using hand sanitizer; covering coughs or sneezes; cleaning high-touch surfaces; not shaking hands; and covering mouth and nose when conducting activity within six feet(6) of another person.
- iv. To perform work providing essential products and services at an essential covered business or to otherwise carry out activities specifically permitted in this Order.
- v. To care for a family member, a child or pet in another household.

Section 5. Residents, visitors, and businesses, shall comply with the Texas Governor's Executive Orders and the Starr County's Amended Emergency Order and Recommendations Related to the Expanded Reopening of Select Services During the Public Health Emergency, as may be amended from time to time. Such regulations shall be made available upon request with the City Secretary's Office.

Section 6. Effective immediately, the City of Rio Grande City adopts the regulations set out in the Texas Governor's July 2, 2020 Proclamation. Specifically, any outdoor gathering in excess of 10 people, the gathering is prohibited unless otherwise approved by the City of Rio Grande City or the Starr County Judge, in the case of a gathering in an unincorporated area.

Section 7. Health and Safety Policy – Commercial Entities: All commercial entities in the City of Rio Grande City 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 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 Order may also include other mitigating measures designed to control and reduce the transmission of COVID-19 such as temperature checks or health screenings. Commercial entities must post the Health and Safety Policy required by this Order in a conspicuous location sufficient to provide notice to employees and visitors of all health and safety requirements. Failure to comply with any of Governor Abbott's executive orders issued during the COVID-19 disaster is an offense under Section 418.173 by a fine not to exceed \$1,000.00 and may be subject to regulatory enforcement.

Section 8. Face coverings – General Public: All people 3 years or older are still recommended to wear a face covering over their nose and mouth when in a public place where it is difficult to keep six feet from other people or working in areas that involve close proximity with other coworkers. The CDC advises faces coverings for people 2 years or older. Face coverings may include handmade masks, scarfs, bandanas, or handkerchief. City of Rio Grande City residents should continue to maintain social distancing of at least six-feet while outside their home. City of Rio Grande City employees are also required to wear face coverings under the same circumstances as the general public.

Section 9. People shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term facilities unless to provide critical assistance as determined through guidance from the Texas Health and Human Services Commission. Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow infection control policies and practices set forth by the HHSC, including minimizing the movement of staff between facilities as appropriate.

Section 10. People at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residences to the extent possible except as necessary to seek medical care.

Section 11. The City Commission insists that any person, including international travelers, who enters the City of Rio Grande City from outside of the Rio Grande Valley self-quarantine, to the extent possible, for a period of 14 days from the time of entry into Rio Grande City, Texas or duration of the person's presence in Rio Grande City, Texas. Self-quarantine shall not apply to people traveling in connection with employment, commercial activity, military service, emergency response, health response, or critical infrastructure functions, as allowed under Governor's Executive Order GA-18, or as allowed under GA-21, "Reopened Services."

Section 12. In accordance with Governor Abbott's Executive Orders, "Reopened Services" shall meet all State of Texas Minimum Health Protocols for each corresponding business and service sector that can be found at <https://www.starrcounty.org/texas-opens-checklists> or that can be requested by email at the Starr County Judge's office prior to being operational.

Section 13. The City of Rio Grande City shall post this Order on its website. In addition, the owner, manager or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.

Section 14. In the event of any conflict or inconsistency between the provisions set herein and the National Emergency Declaration, Governor Abbott's Declaration of Disaster and Executive Orders, the Starr County Disaster Declaration, and the Emergency Management Orders and Recommendations, then the priority of interpretation shall be the following order: National Emergency Declaration, Governor Abbott's Declaration of Disaster and Executive Orders, the Starr County Disaster Declaration, and the Emergency Management Orders and Recommendations, the City of Rio Grande City's Disaster Declaration and Fourth Amended Emergency Order.

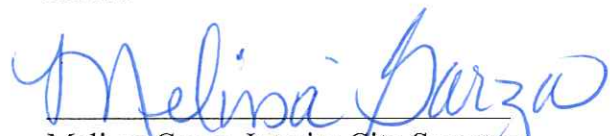
Section 15. If any subsection, sentence, clause, phrase or word of this Order or application of it to any person, structure, gathering or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the rest of the order that can be given the effect without the invalid provision, and to this end, the provisions of this Order are severable.

Section 16. This Disaster Declaration and Order shall remain effective until **August 31, 2020**, unless otherwise terminated or renewed earlier by the City of Rio Grande City – City Commission.

ORDERED AND ADOPTED on this the 22nd day of July 2020.


JOEL VILLARREAL, MAYOR

Attest:


Melissa Garza, Interim City Secretary

Approved as to Form:

A handwritten signature in blue ink, consisting of a large, stylized 'C' followed by a horizontal line and a flourish.

Calixtro Villarreal, City Attorney