

**RESOLUTION NO. 2020-06**

WHEREAS, on March 24, 2020, the City Council approved Resolution 2020-05 extending the Mayor's Second Amended Declaration of Local Disaster Due to Public Health Emergency until April 7, 2020; and

WHEREAS, on April 7, 2020, the Mayor issued a Third Amended Declaration of Local Disaster Due To Public Health Emergency for the City of Azle, Texas resulting from evidence of local community spread during the outbreak of Coronavirus Disease 2019 (COVID-19), and in an effort to respond quickly to 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; and

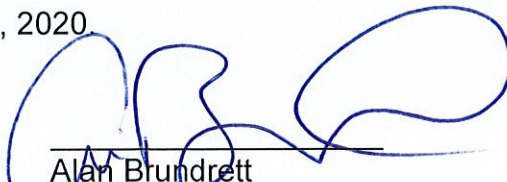
WHEREAS, the conditions necessitating declaration of a state of disaster continue to exist; and

WHEREAS, §418.108(b) of the Texas Government Code provides that a local state of disaster may not be continued for a period in excess of seven days without the consent of the governing body of the political subdivision;

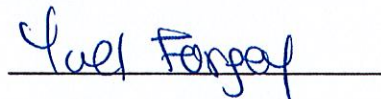
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL of AZLE, TEXAS:

1. That the Third Amended Declaration of Local Disaster Due To Public Health Emergency proclaimed for the City of Azle by the Mayor on April 7, 2020, shall continue until April 30, 2020, subject to further extension if deemed necessary by the City Council.
2. That the City's Emergency Management Plan shall continue to be implemented. Any violation of rules, regulations, or directives adopted pursuant to the Emergency Management Plan or the Declaration of Disaster shall be subject to the penalties set forth in the Emergency Management Plan, and Article 1.05 of the Code of Ordinances, City of Azle, Texas.

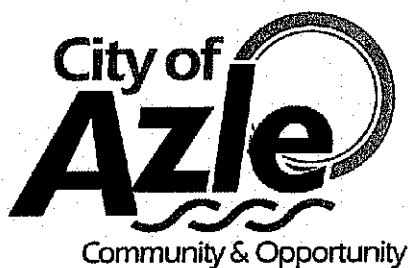
PASSED and APPROVED, this 7th day of April, 2020.

  
Alan Brundrett  
Mayor

Attest:



Yael Forgey, City Secretary



### **THIRD AMENDED DECLARATION OF LOCAL DISASTER DUE TO PUBLIC HEALTH EMERGENCY**

**WHEREAS**, the World Health Organization has declared the coronavirus, now designated COVID-19, as a global pandemic on March 11, 2020; and

**WHEREAS**, COVID-19 was first detected in Wuhan, China in December 2019; and

**WHEREAS**, the 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. Symptoms of COVID-19 can range from mild to severe illness and cause further complications including death; and

**WHEREAS**, the continued worldwide spread of COVID-19 presents an imminent threat of widespread illness, which requires emergency action for the protection of the people of Azle, and

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

**WHEREAS**, Governor Greg Abbott issued a State of Disaster for all Texas counties for COVID-19 on March 13, 2020 and an Executive Order relating to COVID-19 preparedness and mitigation on March 19, 2020. Governor Abbott also issued Executive Order GA-14 that provides further guidance regarding COVID-19 on March 31, 2020; 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, and compel persons to undergo additional health measures that prevent or control the spread of disease. These measures include 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. A declaration allows the request of assistance from the Governor for state resources; and

**WHEREAS**, Tarrant County Judge Glen Whitley issued a Declaration of Local Disaster due to Public Health Emergency on March 13, 2020 and the County Commissioners issued a Renewal of Declaration of Local Disaster due to Public Health Emergency on March 17, 2020. County Judge Whitley issued the First Amended Declaration of Local Disaster due to Public Health Emergency on March 18, 2020 and the Second Amended Declaration of Local Disaster due to Public Health Emergency on March 21, 2020 to implement additional measures to ensure the protection of the residents of Tarrant County. On March 24, 2020, County Judge Whitley issued an Executive Order to implement additional measures to ensure the protection of the residents of Tarrant County. County Judge Whitley modified the Executive Order on March 27, 2020 and on April 3, 2020; and

**WHEREAS**, Mayor Alan Brundrett has determined that extraordinary measures must be taken to mitigate the effects of this public health emergency and to facilitate the efficient, rapid, and cooperative

response to the emergency. Now, Mayor Brundrett hereby issues this Third Amended Declaration of Local Disaster due to Public Health Emergency to implement additional measures to ensure the protection of the residents of Azle.

**THEREFORE**, be it proclaimed by Mayor Brundrett that;

1. A state of disaster and public health emergency is hereby declared for the City of Azle, pursuant to § 418.108(a) of the Texas Government Code.
2. This Declaration of a local state of public 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.
3. This Declaration activates the Tarrant County Emergency Management Plan within the City of Azle jurisdiction, pursuant to § 418.108(d) of the Texas Government Code.
4. This Declaration authorizes the City to take any actions necessary to promote health and suppress disease, including quarantine, evacuation, regulating ingress and egress from a disaster area and controlling the movement of persons and the occupancy of premises, pursuant to § 418.108(f), (g) of the Texas Government Code.
5. All persons currently residing within the City shall stay at their place of residence, except as allowed by this Declaration. All persons may leave their residences only for Essential Travel, Essential Services, and Essential Activities, to work in Essential Businesses, Government Service, or Essential Critical Infrastructure, Essential Activities, or to perform Minimum Basic Operations, as defined below.

To the extent individuals are using shared or outdoor spaces, they must maintain Social Distancing and minimize in-person contact with people who are not in the same household.

Nothing in this Declaration is intended to restrict “essential services” as such term is defined in Governor Abbott’s Executive Order GA-14 (Order GA-14), nor is it intended to allow gatherings prohibited by Order GA-14. To the extent that the Texas Division of Emergency Management approves additions to “essential services”, those additions will be treated as an Essential Business in the City. Nothing herein is intended to impose restrictions inconsistent with Order GA-14 or any other order issued by the Governor currently in effect relating to COVID-19 (a COVID Order). To the extent that this Declaration conflicts with a COVID Order, the provisions in a COVID Order prevail.<sup>1</sup>

6. All businesses operating in the City, except Essential Businesses as defined herein, shall not allow members of the public to occupy business premises. Non-essential businesses may continue Minimum Basic Operations, as outlined below, so long as the businesses strictly adhere to the following: (1) minimize in-person contact with people who are not in the same household; (2) maintain Social Distancing; (3) utilize remote teleworking to the greatest extent possible; and (4) minimize the number of employees needed to operate at a basic level.

Minimum Basic Operations allows the minimum necessary activities to:

- a. Maintain the value of the business’s inventory or equipment, process payroll and employee benefits, maintain the premises and the security of the premises, equipment or inventory, including the care and maintenance of livestock or animals;
  - b. IT or other operations that facilitate employees working from home; and
  - c. Facilitate online or call-in sales; and/or perform in-store repair services.
7. It is ordered that a restaurant with or without drive-in or drive-through services; drive-in restaurant; drive-through restaurant; or microbrewery, micro-distillery, or winery may only provide take out,

<sup>1</sup> All questions relating to a COVID Order shall be directed to the Texas Division of Emergency Management via email at [EssentialServices@tdem.texas.gov](mailto:EssentialServices@tdem.texas.gov). Information is also available at [www.tdem.texas.gov/essentialservices](http://www.tdem.texas.gov/essentialservices).

delivery, curbside pickup or drive-in or drive-through services as allowed by law. Social Distancing is required.

8. 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 Executive Order prohibits the gathering of members of a household or living unit nor does it prohibit any gathering expressly permitted by Order GA-14.
9. All elective medical, surgical, and dental procedures are prohibited anywhere in the City. All licensed health care professionals shall postpone all surgeries and procedures that are not immediately medically necessary to correct a serious medical condition of, or to preserve the life of, a patient who without immediate 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 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.<sup>2</sup>
10. 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.
11. 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.
12. 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. 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.
13. 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 the businesses strictly adhere to the following: (1) minimize in-person contact with people who are not in the same household; (2) maintain Social Distancing; (3) utilize remote teleworking to the greatest extent possible; and (4) minimize the number of employees needed to operate at a basic level.

Minimum Basic Operations allows the minimum necessary activities to:

    - i. Maintain the value of the business's inventory or equipment, process payroll and employee benefits, maintain the premises and the security of the premises, equipment or inventory, including the care and maintenance of livestock or animals;
    - ii. IT or other operations that facilitate employees working from home; and
    - iii. Facilitate online or call-in sales; and/or perform in-store repair services.
  - 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

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<sup>2</sup> Texas Medical Board, 22 TAC § 187.57 (c) (1), (2).

- 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 (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.
  - 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.
  - 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, to the extent possible.
  - iii. Essential Critical Infrastructure. Pursuant to Governor Abbott's Executive Order GA-14, everything listed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0.
  - 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, curbside pickup, 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. Hotels, 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 needy 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, yard maintenance and landscapers, 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 service or another Essential Business service.
  - xii. Construction. Commercial and residential construction under a valid permit issued by a governmental entity.
  - xiii. Funeral Services. Funeral homes, crematoriums and cemeteries may operate but not more than ten (10) persons may be present at any one time. Social Distancing is required.
  - xiv. Wedding Services. Weddings may be held, but not more than ten (10) persons may be present at any one time. Social Distancing is required. Weddings may not be held inside a City building.
  - xv. Worship Services. The Governor's Executive Order (GA-14) states religious services "should be conducted consistent with the Guidelines from the President and the CDC..." Our community has been identified as experiencing substantial spread/transmission of COVID-19. Therefore, all in-person gatherings of any size are prohibited, with the exception of a minimum number of people needed to live-stream/broadcast the service(s), while continuing to observe Social Distancing.<sup>3</sup>
  - xvi. 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, 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

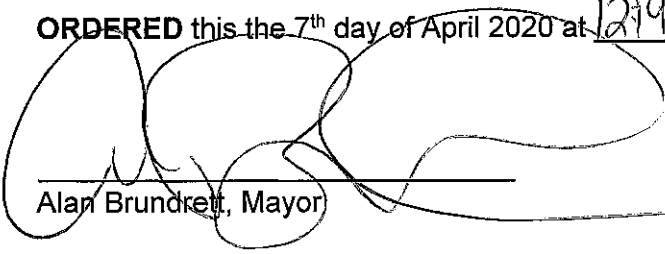
<sup>3</sup> Texas Attorney General's Guidance for Houses of Worship During the COVID-19 Crisis "...guidance from the CDC currently recommends that if a community is experiencing substantial community spread of COVID-19, then the houses of worship in that community should cancel all in-person gatherings or any size. But if a community is experiencing moderate to substantial spread, then the CDC recommends a reduction of activities in coordination with local health officials, possible smaller gatherings incorporating social-distancing measures, cancelation of activities with 10 or more people when high-risk populations attend in person (including those over 65 and those with underlying medical conditions) and use of creative means to deliver faith-based services. For more information, houses of worship should consult CDC guidance: <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/guidance-community-faith-organizations.html>." For updates about the level of community spread, see CoronaVirus.TarrantCounty.com.

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

f. Essential Services. Essential Services means services, by whomsoever rendered, and whether rendered to the government or to any other person, the interruption of which would endanger life, health or personal safety of the whole or part of the population.

14. This Declaration does not restrict business operations delivering Essential Services, pursuant to Attorney General Ken Paxton's Opinion No. KP-0296 and CISA.
15. That any certified peace officer or other person with lawful authority is hereby authorized to enforce the provisions of this Declaration in accordance with the authority granted under the Texas Disaster Act of 1975. Any person who violates this Declaration may be subject to a fine not exceeding \$1,000 or confinement for a period not exceeding 180 days, and/or any penalties set forth in the Emergency Management Plan, and Article 1.05 of the Code of Ordinances, City of Azle, Texas.
16. That this Declaration incorporates the attached table, Disaster Restrictions, as if set forth verbatim herein.
17. 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 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 are severable.
18. This Declaration is issued in accordance with and incorporates by reference any declaration of disaster previously issued and adopted by the City. In the event of a conflict between this Declaration and a prior declaration or order pertaining to COVID -19, this Declaration prevails.
19. This Declaration shall take effect at 12:01 AM on April 8, 2020 and shall remain in effect for a period of not more than seven (7) days unless continued or renewed by the City Council.

ORDERED this the 7<sup>th</sup> day of April 2020 at 12:19 PM.

  
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Alan Brundrett, Mayor

**Disaster Restrictions Declaration  
 Issued April 7, 2020**

Locations / Activities	Restrictions
Persons residing in Azle	<ul style="list-style-type: none"> <li>• Stay at place of residence</li> <li>• Practice Social Distancing</li> <li>• Leave residence for Essential Activities, or to work at Essential Businesses, Essential Travel, Essential Governmental Services, Essential Critical Infrastructure, or to perform Minimum Basic Operations</li> <li>• Comply with Guidelines from the President and the CDC</li> </ul>
All businesses except Essential Businesses	No public occupancy permitted Minimum Basic Operations allowed Social Distancing required Minimum number of employees Minimize in-person contact
Public or Private Gatherings occurring outside a single household or living unit	Prohibited, with limited exception
Food Establishments Including those at schools, hotels, motels Excluding those at hospitals	In-house dining/shopping - no public occupancy Drive-in, drive-through, take out, and delivery is permitted. Social Distancing is required
Worship Services	As of April 3, 2020, the Tarrant County Public Health Officer identifies substantial community spread/transmission; therefore, all in-person gatherings of any size are prohibited.
Elective medical, surgical, and dental procedures	Prohibited, with limited exception
Nursing homes, retirement, and long-term care facilities	Prohibit non-essential visitors unless to provide critical assistance or for end-of-life visitation
<u>Essential Travel, summary:</u> Allowed to carry out activities specifically permitted in this Executive Order.	Individuals may leave shelter to perform Essential Activities Must practice Social Distancing



Essential Businesses summary:

those listed on CISA  
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  
food service providers  
food cultivation - farming, fishing, livestock  
delivery and shipping not open to the public  
essential critical infrastructure  
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  
weddings  
plumbers  
electricians  
pool service, yard maintenance, landscaping  
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

Essential Businesses providing essential infrastructure should implement screening precautions to protect employees and all activity shall be performed in compliance with Social Distancing and compliance with the Guidelines from the President and the CDC.

<p><u>Essential Critical Infrastructure, summary:</u>          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><b>Minimum Basic Operations</b></p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• IT or other operations that facilitate employees working from home;</li> <li>• Teleworking is required, if possible;</li> <li>• Facilitate online or call-in sales or on-store repair services;</li> <li>• In-person contact of any kind between people who are not in the same household must be minimized.</li> </ul>	<p>Operations allowed for non-essential businesses</p> <p>Social Distancing required</p> <p>Number of employees are kept to a minimum</p> <p>Minimize in-person contact with people who are not in the same household.</p>
<p><u>Essential Services:</u>          Business operations, the interruption of which would endanger life, health or personal safety of the whole or part of the population.</p>	<p>Allowed to remain open</p> <p>Business operations providing Essential Services should implement screening precautions to protect employees and all activity shall be performed in compliance with Social Distancing and in compliance with the Guidelines of the President and CDC.</p>