

## DECLARATION OF PUBLIC HEALTH EMERGENCY

WHEREAS, in the City of Boerne on the 16th day of March, 2020, there is imminent threat of widespread severe illness and loss of life resulting from

The novel COVID-19 virus pandemic, and

WHEREAS, the Mayor of the City of Boerne has determined that extraordinary measures must be taken to alleviate the suffering of people and to protect the ability of the City's medical and emergency services to handle this crisis,

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

1. That a local state of public health emergency is hereby declared for the City of Boerne pursuant to §418.108(a) of the Texas Government Code.
2. Pursuant to §418.018(b) of the Government Code, the state of disaster shall continue for a period of not more than seven days from the Effective date of this declaration unless continued or renewed by the City Council of the City of Boerne.
3. Pursuant to §418.108(c) of the Government Code, this declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
4. Pursuant to §418.108(d) of the Government Code, this declaration of a local state of disaster activates the City emergency management plan.
5. Pursuant to §418.020(c) of the Government Code, 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 or emergency shelters for evacuees, subject to compensation requirements.
6. Pursuant to §122.006 of the Health and Safety Code, this Declaration authorizes the City to take any actions necessary to promote health and support 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.
7. Pursuant to the Texas Disaster Act of 1975, I, Tim Handren, Mayor of the City of Boerne, and consistent with the declaration being issued by Kendall County, issue further guidance and restrictions set forth in the Declaration Regarding Public and Private Gatherings attached hereto as Exhibit 1, and incorporated herein.
8. Restrictions set out in Exhibit 1 may be updated as necessary to respond to the evolving circumstances of this outbreak during the duration of this Declaration and any extension by the City of Boerne City Council without the issuance of a new Declaration.
9. As Mayor, I further reserve all other authority and powers conferred by state law to respond as necessary to this situation.

## Exhibit "1"

### Declaration regarding Public and Private Gatherings and Other Matters

- I. Declaration Regarding Public and Private Gatherings:
  - a. This Exhibit "1" incorporates and adopts, except as where noted below, the Centers for Disease Control ("CDC") Interim Guidance for Coronavirus Disease 2019 (COVID-19) dated March 15, 2019.
  - b. The virus that causes COVID-19 is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle an influx of patients and safeguard public health and safety.
  - c. Because of the risk of the rapid spread of the virus, and the need to protect the most vulnerable members of the community, this declaration prohibits all indoor public and private gatherings and outdoor gatherings within an enclosed space of fifty persons or more anywhere in the City of Boerne, Texas, beginning at 07:00 p.m. on March 17, 2020 and continuing for seven (7) days, unless extended consistent with requirements of state law.
  - d. For all other gatherings, it is strongly recommended that social distancing protocols established by the United States Center for Disease Control and Prevention (CDC) and found within the "Implementation of Mitigation strategies for Communities with Local COVID-19 Transmission" issued by the CDC on or around March 11, 2020, including canceling, rescheduling, or not attending events with more than fifty persons.
  - e. Further, organizations that serve high-risk populations (defined below) should follow CDC guidance for social distancing.
  - f. Definitions and further guidance:
    - i. For purposes of this Declaration, a "Mass Gathering" is any event or convening, subject to the exceptions and clarifications below, that brings together fifty (50) or more persons at the same time in a single room or other single confined or enclosed space, such as, by way of example and without limitation, an auditorium, theater, stadium (indoor or outdoor), arena or event center, meeting hall, conference center, large cafeteria, or any other confined indoor or confined outdoor space.
    - ii. A Mass Gathering includes events in confined outdoor spaces, which means an outdoor space that (1) is enclosed by a fence, physical barrier, or other structure and (2) where people are present and they are within arm's length of one another for extended periods.
    - iii. This Declaration also does not prohibit gatherings of people in multiple, separated enclosed spaces in a single building such as a multiplex movie theater, so long as fifty people are not present in any single space at the same time. This Declaration also does not prohibit use of enclosed spaces where fifty or more people may be present at different times during the day, so long as fifty or more people are not present in the space at the same

time. For any gathering covered by this subsection compliance with Social Distancing Recommendations, including providing hand sanitizer and tissues and increasing cleaning of commonly touched surfaces is strongly encouraged.

- iv. For purposes of clarity, a Mass Gathering does not include the following: (1) public or private school and places of worship; (2) museums (so long as visitors are generally not within arm's length of one another for extended periods); (3) Spaces where fifty or more persons may be in transit or waiting for transit such as bus stops; (4) office space, hotels, or residential buildings; (5) grocery stores, shopping malls, outdoor markets, or other retail establishments where large numbers of people are present but it is unusual for them to be within arm's length of one another for extended periods; (6) hospitals, medical facilities and shelters; and (7) jails and detention centers. In all such settings, it is recommended that the public follow Social Distancing Recommendations, and harm reduction measures such as hand sanitizer and tissues should be provided when possible. However, any specific large gathering space that is part of any building included in this subparagraph "d" is subject to the prohibition on Mass Gatherings if the space holds fifty or more people.
- v. " High-risk Populations" include people who are:
  - 1. 60 years old and older;
  - 2. People with certain health conditions such as heart disease, lung disease, diabetes, kidney disease and weakened immune systems;
  - 3. People who are pregnant or were pregnant in the last two weeks.
  - 4. People experiencing homelessness.
- vi. The Mayor of the City of Boerne may update restrictions set out in this Exhibit as necessary to respond to the evolving circumstances of this outbreak during the duration of the next 7 days and any extension by the City of Boerne City Council.

II.

I hereby direct City of Boerne utility personnel to suspend disconnection of utility services for non-payment during the term of this Declaration;

III.

City of Boerne Municipal Courts are directed to the protocol established by the FIRST EMERGENCY ORDER REGARDING THE COVID-19 STATE OF DISASTER issued March 13, 2020, jointly by the Texas Supreme Court and the Texas Court of Criminal Appeals. (See Attachment 1-A).

This proclamation shall take effect on March 17, 2020, at 7:00 p.m.

ORDERED this the 16 day of MARCH, 2020.

  
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Mayor Tim Handren

ATTEST:

  
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Lori Carroll, City Secretary