CITY OF BALCONES HEIGHTS, TEXAS
MAYORAL DECLARATION OF LOCAL STATE OF DISASTER
DUE TO PUBLIC HEALTH EMERGENCY

WHEREAS, beginning in December 2019, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, has been declared a global pandemic by the World Health Organization; and

WHEREAS, the symptoms of COVID-19 can cause a severe illness, including coughing, fever, shortness of breath and cause further complications including death; and

WHEREAS, 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; and

WHEREAS, on March 19, 2020, the Governor of the State of Texas issued a revised proclamation certifying that COVID-19 poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas and setting certain restriction on mass or community gatherings, restaurants and bars and other establishments; and

WHEREAS, on March 23, 2020, the County Judge of Bexar County issued a revised proclamation certifying that COVID-19 poses an imminent threat of disaster in the state and declaring a state of disaster for Bexar County and setting various restriction; and

WHEREAS, the City of Balcones Heights, Texas, is taking extraordinary measures to prevent the spread of COVID-19 and prevent the spread throughout the City of Balcones Heights, including the banning of community gatherings of over ten (10) people within the city limits and also adopting the same provisions adopted by the Governor on mass or community gatherings, restaurants and bars and other establishments; and

WHEREAS, said state of disaster requires that certain emergency protective measures be taken pursuant to the Texas Disaster Act of 1975 relating to Emergency Management and Public Health, pursuant to Chapter 418 of the Texas Government Code.

NOW THEREFORE, BE IT PROCLAIMED BY THE MAYOR AND CONFIRMED BY THE CITY COUNCIL OF THE CITY OF BALCONES HEIGHTS, TEXAS:

SECTION 1. That a local state of disaster for public health emergency is hereby declared for the City of Balcones Heights, Texas, pursuant to Section 418.108(a) of the Texas Government Code.

SECTION 2. That pursuant to Section 418.108(b) of the Texas Government Code the state of disaster for public health emergency shall continue for a period of not more than thirty (30) days from the date of this declaration, unless continued by the City Council of the City of Balcones Heights.
SECTION 3. That pursuant to Section 418.108(c) of the Texas Government Code this declaration of a local state of disaster for public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

SECTION 4. That pursuant to Section 418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the City of Balcones Heights, Texas, emergency management plan.

SECTION 5. That pursuant to Section 122.006 of the Texas Health and Safety Code, this declaration authorizes the City to take any action necessary to promote health and suppress disease, including quarantine, examining hospitals, regulating ingress and egress from the City and fining those who do not comply with the City's rules.

SECTION 6. Based on revised guidance by the Centers for Disease Control (CDC) issued on March 16, 2020, the public shall avoid social gatherings in groups of more than ten (10) people.

SECTION 7. That this declaration hereby limits the size of gatherings to not more than 10 people and mandates the cancellation of all such gatherings until further notice. A "Social Gathering" is any indoor or outdoor event or convening that brings together or is likely to bring together ten (10) or more persons at the same time in a single room or other single confined or enclosed space, such as an auditorium, theatre, stadium (indoor or outdoor), arena or event center, meeting hall, conference center, large cafeteria, or any other confined indoor or confined outdoor space. An outdoor "Social Gathering" under this Order is limited to events in confined outdoor spaces, which means an outdoor space that (i) is enclosed by a fence, physical barrier, or other structure and (ii) where people are present and they are within six feet of one another for extended periods. For clarity, gatherings include, but are not limited to, weddings, religious services, funerals, and other gatherings.

SECTION 8. That this declaration hereby prohibits the issuance of any permits for activities that are known to attract more than the established 10 persons or more as defined in "social gathering."

SECTION 9. For purposes of clarity, "social gathering" does NOT include the following: (i) places of employment; (ii) office space, hotels or residential buildings; (iii) grocery stores, shopping malls, outdoor markets; (iv) hospitals, medical facilities and shelters; (v) jails and detention centers (vi) transit facilities; and (vii) government buildings providing essential services.

SECTION 10. That this declaration hereby directs restaurants with or without drive-in or drive-through services and microbreweries, micro-distilleries, or wineries to only provide take out, delivery, or drive-through services as allowed by law.

SECTION 11. That this declaration hereby directs bars, lounges, taverns, private clubs, arcades, theatre and gyms to close.

SECTION 12. That this declaration hereby directs the public from visiting nursing homes or retirement centers unless they are providing critical assistance.

SECTION 13. That this declaration hereby directs the residents and visitors to Balcones Heights to comply with Bexar County Judge’s Order issued on March 23, 2020.
SECTION 14. In accordance with Texas Government Code §418.173, a person who knowingly or intentionally violates this declaration commits an offense, punishable by a fine up to $1,000.00 or confinement in jail for a term that does not exceed 180 days.

SECTION 15. Any provision in this Declaration that is not included but included in the Bexar County Judge’s Order revised proclamation of March 23, 2020, the Bexar County Judge’s Order’s proclamation shall control.

SECTION 16. Any provision in this Declaration that may be in conflict with the Bexar County Judge’s Order revised proclamation of March 23, 2020, the Bexar County Judge’s Order proclamation shall control.

SECTION 17. That this declaration shall take effect at 11:59 PM on Tuesday March 24, 2020 and be effective for thirty (30) days unless extended or modified by City Council.

DECLARED this 23rd day of March, 2020.

Suzanne de Leon, Mayor
EXECUTIVE ORDER NW-03 OF COUNTY JUDGE NELSON W. WOLFF
ISSUED March 23, 2020

WHEREAS, pursuant to Texas Government Code Section 418.108, Bexar County Judge Nelson W. Wolff declared a state of local disaster on March 13, 2020 due to imminent threat arising from COVID-19;

WHEREAS, in accordance with Texas Government Code Section 418.108(b), on March 18, 2020, the Bexar County Commissioners Court approved an Order Continuing Declaration of State of Local Disaster for Bexar County (hereafter, the “Order of Continuation of Declaration”);

WHEREAS, in accordance with Texas Government Code Section 418.108(b), the consent by Commissioners Court authorizes the Bexar County Judge to continue to exercise the powers granted by the Texas Disaster Act of 1975 for the period specified in the Order of Continuing Declaration;

WHEREAS, on March 13, 2020, Texas Governor Greg Abbott issued a declaration of public health disaster in and for the State of Texas and on March 19, 2020, the Texas Department of State Health Services issued a declaration of a public health disaster in the State of Texas for the first time since 1901;

WHEREAS, on March 18, 2020 the Bexar County Commissioners Court approved the Order of Continuation of Declaration and authorized the Bexar County Judge to take such actions as are necessary in order to protect the health, safety and welfare of the citizens of Bexar County;

WHEREAS, the County Judge has determined that extraordinary emergency measures must be taken to mitigate the effects of this public health emergency and to facilitate a cooperative response; and

WHEREAS, to remain consistent with the declaration of the Texas Department of State Health Services and the executive order issued by Governor Greg Abbott as of March 19, 2020 and to harmonize, to the extent possible, the executive orders of Governor Greg Abbott, the Bexar County Judge and the mandates contained in the declaration of the Mayor of the City of San Antonio, as extended, I hereby rescind my previous Executive Order as issued on March 19, 2020 and issue this Executive Order in its place.
PURSUANT TO THE TEXAS DISASTER ACT OF 1975, BEXAR COUNTY JUDGE NELSON W. WOLFF HEREBY ISSUES THIS EXECUTIVE ORDER AS FOLLOWS:

I. Effective as of 11:59 p.m. on Tuesday, March 24, 2020, and continuing through 11:59 p.m. on April 9, 2020, unless extended, terminated early by Bexar County Judge Nelson W. Wolff or otherwise indicated below:

1. Subject to the definitions and further guidance set out in Subsection (i) below, that all persons currently residing within the incorporated and unincorporated territory of Bexar County are hereafter directed to stay at home ("Stay Home Work Safe Measures"). All persons may only leave their residences to engage in allowable activities which shall include Exempted Activities or Exempted Businesses (as defined below) but must implement all social distancing requirements and adopt other mitigating measures. All public or private gatherings of any number of people occurring outside a single household are hereafter prohibited, except as otherwise provided herein. Nothing in this Executive Order prohibits the gathering of members within a household.

2. With the exception of Exempted Businesses, as defined below, that all businesses operating within Bexar County are required to cease all activities at any facility located in the incorporated or unincorporated portions of Bexar County. Notwithstanding the above requirement to cease all activities, this prohibition shall not extend to: (i) employees or contractors performing activities at their own residences (i.e. working from home or operation of a home-based businesses regardless of whether it constitutes an Exempted Business); (ii) operations to maintain security, upkeep, and maintenance of premises, equipment or inventory; (iii) IT or other operations that facilitate employees working from home.

(i) Definitions of Exempted Business and Exempted Individual Activity:

(a) For purposes of this Executive Order, Exempted Activities are defined as follows:

i) Health and Safety Activities. For example, 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 food, medical supplies or medication, visiting a health care professional, or obtaining supplies needed to work from home) or to care for a family member or pet in another household.

ii) Necessary Supplies. 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 supply, and any other
household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences);

iii) **Outdoor Activity.** To engage in activity in an outdoor open space, such as walking, biking, hiking, or running, provided the individuals comply with social distancing requirements of six feet; and/or

iv) **Work at an Exempted Business.** Activities necessary to work at or conduct an Exempted Business or to otherwise carry out activities specifically permitted in this Executive Order.

(b) For purposes of this Executive Order, **Exempted Businesses** are defined as follows:

i) **Healthcare Services.** For example, healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services. Home-based and residential-based care for seniors, adults, or children are also considered healthcare operations. Healthcare operations also includes veterinary care and all healthcare services provided to animals. This exemption shall be viewed broadly to avoid any impacts to the delivery of healthcare. **Healthcare operations do not include fitness and exercise gyms and similar facilities. Healthcare operations do not include elective medical, surgical, and dental procedures.**

ii) **Government Functions.** For example, those services provided by local governments needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public including law enforcement and operation of jails and detention facilities, fire and EMS or otherwise necessary for health and safety of residents of Bexar County.

iii) **Education and Research.** To include educators or other personnel supporting public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning or performing other functions in support of Exempted Individual Activities or Exempted Businesses and companies engaged in science or engineering research and development.

iv) **Infrastructure, Development, Operation and Construction.** For example, public works construction, construction of housing or other types of construction including commercial, manufacturing, airport operations and aircraft manufacturing, maintenance or repair, 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).
v) **Transportation.** Businesses related to the operation, maintenance, construction, and manufacture of transportation services. For example, a) vehicle manufacturers, automotive suppliers and parts departments, car dealerships, parts distributors, maintenance and repair facilities; b) public transportation; c) businesses supporting airport operations; d) street and highway maintenance and construction; e) gas stations and other fuel distribution businesses; f) vehicles for hire including taxis and rideshare.

vi) **IT Services.** For example, businesses and activity necessary to maintain internet and telecommunications systems, including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services.

vii) **Food, Household Staples and Retail.** For example, food service providers, including grocery stores, warehouse stores, big-box stores, liquor stores, bodegas, gas stations, and farmers’ markets that sell food products and household staples for pick-up or businesses that ship or deliver groceries, food, goods or services directly to residences. Nothing shall restrict employees supporting pick-up or delivery under this exception so long as there is sufficient space to implement social distancing. Restaurants prepared food retailers, microbreweries, micro-distilleries, or wineries and other facilities that prepare and serve food, but **only for delivery, curbside pick-up or carry out.** Schools and other entities that typically provide free services to students or members of the public on a pick-up/take-away basis.

viii) **Services to Economically Disadvantaged Populations.** For example, transit services, nonprofits and other businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.

ix) **Services Necessary to Maintain Residences or Support Exempt Businesses.** For example, hotels and other temporary residence facilities, laundromats, dry cleaners, and laundry service providers, trash and recycling collection, processing and disposal, mail and shipping services, building cleaning and maintenance, warehouse/distribution and fulfillment, and storage for Essential Businesses. This shall include plumbers, 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 Exempted Businesses. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities.

x) **News Media.** To include newspapers, television, radio, and other media services.

xi) **Financial Institutions and Insurance Services.** To include banks, credit unions, and other financial institutions and service providers as well as companies providing insurance services and products.
xii) **Childcare Services.** To include childcare facilities providing services that enable employees exempted in this Executive Order to work as permitted.

xiii) **Worship Services.** Religious and worship services may only be provided by video, teleconference or other remote measures.

xiv) **Funeral Services.** For example, funeral homes, crematoriums and cemeteries.

xv) **CISA Sectors.** All business and operations necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity Infrastructure Agency ("CISA") and outlined at: [https://www.cisa.gov/sites/default/files/publications/CISA-Guidance-on-Essential-Critical-Infrastructure-Workers-1-20-508c.pdf](https://www.cisa.gov/sites/default/files/publications/CISA-Guidance-on-Essential-Critical-Infrastructure-Workers-1-20-508c.pdf)

3. That Bexar County rental property owners temporarily suspend evictions for at least the next 30 days to prevent renters from being displaced due to the public health emergency;

4. That foreclosure proceedings within Bexar County be temporarily suspended for at least the next 30 days to prevent the displacement of occupants during the public health emergency;

5. That residents of Bexar County conduct essential Bexar County business online or via regular mail to avoid visiting any Bexar County facilities unless absolutely necessary.

6. That no person shall sell any of the following goods or services for more than the price the person charged for the goods or serves on 11:59 p.m. on Thursday, March 19, 2020 and continuing during the pendency of this Executive Order:
   1) Groceries, beverages, toilet articles, ice;
   2) Restaurant, cafeteria, and boarding-house meals; and
   3) Medicine, pharmaceutical, and medical equipment and supplies.

7. That as of the date of this Executive Order and continuing for the remainder of the period set out in the joint third amended emergency order of the Supreme Court of Texas in Misc. Docket No. 20-9044 and the Court of Criminal Appeals of Texas in Misc. Docket No. 20-008, all courts within Bexar County restrict non-essential in person proceedings in accordance with this Executive Order and the Declaration of Public Health Emergency of the City of San Antonio. Section 9 of this Executive Order shall hereby be suspended as to this Section 7.

8. That people who are sick should stay at home and not engage in any activity outside of their residence unless related to treatment or health care. If someone in a household has tested positive for COVID-19, then the other members of the household should consider themselves positive if they become symptomatic
and follow the current policies and procedures in place for isolation and quarantine.

9. That any peace officer or other person with lawful authority is hereby authorized to enforce the provisions of this Executive Order in accordance with the authority granted under the Texas Disaster Act of 1975. Any person who violates this Executive Order may be subject to a fine not exceeding $1,000 or confinement for a period not exceeding 180 days.

10. The sections, paragraphs, sentences, clauses and phrases of this Executive Order are severable and if any phrase, clause, sentence, paragraph or section of this Executive Order should be declared invalid by the final judgment or decree of any court or 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 Executive Order are severable.

II. All provisions of the executive orders of Governor Greg Abbott either existing or as, if and when issued, shall be automatically incorporated into and constitute terms of this Executive Order enforceable as if set forth herein without necessity for the issuance of any further orders. To the extent that there is a conflict between this Executive Order and any executive order of the Governor, the strictest order shall prevail.

DECLARED this 23rd day of March, 2020

[Nelson W. Wolff]
NEILSON W. WOLFF
Bexar County Judge
FILED IN THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY
LUCY ADAME-CLARK, BEXAR COUNTY CLERK

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STATE OF TEXAS, COUNTY OF BEXAR

I hereby Certify that this instrument was FILED in File Number Sequence on this date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Bexar County, Texas on: 3/23/2020 5:13 PM

[Signature]
Lucy Adame-Clark
Bexar County Clerk