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 31, 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 ordered that Texans minimize social gatherings and in-person contact with people outside their households unless seeking essential services; and

WHEREAS, on April 12, 2020, the Governor of the State of Texas issued a proclamation renewing the disaster declaration for all counties in Texas and on April 17, 2020, the Governor issued Executive Order GA-16 which allowed for reopened services to begin on April 24, 2020 of retail stores that are not providing “essential services” but only if they provide pickup, delivery by mail or delivery to customer’s doorstep in strict compliance with Texas Department of State Health Services; and

WHEREAS, on April 27, 2020, the Governor issued Executive Order GA-18 which keeps in place stay home/work home order but allows for individuals to seek essential services and now allows for reopened service’ to begin on May 1, 2020, which includes retail stores, restaurants, movie theatres, museums and libraries to open up for services but are limited to occupancy of 25% or below and must adhere to social distancing; and

WHEREAS, on April 29, 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 restrictions including a “Stay Home Work Safe Measures” and the mandating of face coverings for anyone over the age of 10 because these extraordinary emergency measures are required to mitigate the effects of this public health emergency and to facilitate a response to the public health threat; and

WHEREAS, the City of Balcones Heights, Texas, is also taking extraordinary measures to prevent the spread of COVID-19 and prevent the spread throughout the City of Balcones Heights, that all persons currently residing within the City are hereafter directed to stay at home and residents may only leave their residences to engage in allowable activities which include “Essential Services” or “Reopened Services” as defined in the Governor’s Executive Order GA-18 and as defined in the current Executive Order of Bexar County Judge; and
WHEREAS, it is the intent of this Declaration to remain as consistent with and to harmonize, to the extent possible, the Executive Orders of Governor Greg Abbott and the mandates contained in the current Executive Order of Bexar County Judge (as extended or modified); and

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 through 12:01 AM on May 19, 2020, unless continued by the City Council 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. In accordance with Executive Order GA-18 issued by Governor on April 27th, attached hereto as Exhibit A, and to achieve the goals to reduce the spread of COVID-19, every person in Balcones Heights shall, except where necessary to provide or obtain “essential services” or “reopened services”, minimize social gatherings and minimize in-person contact with people who are not in the same household. People over the age of 65, are strongly encouraged to stay at home as much as possible; to maintain appropriate distance from any member of the public; and, if leaving the home, to implement social distancing and to practice good hygiene, environmental cleanliness, and sanitation.

SECTION 7. “Essential services” shall consist of everything listed by the U.S. Department of Homeland Security (DHS) in its Guidance on the Essential Critical Infrastructure Workforce, Version 3.0 or any subsequent version including but not limited to grocery stores or gas stations.

SECTION 8. “Reopened services” shall include but not limited to the following (i) In-store retail services, for retail establishments that operate at up to 25 percent of the total listed occupancy of the establishment; (ii) Dine-in restaurant services, for restaurants that operate at up to 25 percent of the total listed occupancy of the restaurant; provided, however, that this applies only to restaurants that have less than 51 percent of their gross receipts from the sale of alcoholic beverages and are therefore not required to post the 51 percent sign required by Texas law as determined by the Texas Alcoholic Beverage Commission; and (iii) movie theaters that operate at up to 25 percent of the total listed occupancy of any individual theater for any screening.
SECTION 9. That this declaration to be consistent with Bexar County Order issued on April 29, 2020, hereby requires all people 10 years or older to wear a cloth face covering over their nose and mouth when in a public place where it is difficult to keep six feet away from other people such as visiting a grocery store/pharmacy or working in areas that involve close proximity with other coworkers. Coverings may include homemade masks, scarfs, bandanas, or a handkerchief. Consistent with Governor’s Executive Order GA-18, the City may not issue a civil or criminal penalty for failure to wear a face covering. Face coverings do not need to be worn in the following circumstances: (i) when exercising outside or engaging in physical activity outside; (ii) while driving alone or with passengers who are part of the same household as the driver; (iii) when doing so poses a greater mental or physical health, safety or security risk; (iv) while pumping gas or operating outdoor equipment; (v) while in a building or activity that requires security surveillance or screening, for example, banks; and (vi) when consuming food or drink.

SECTION 10. That this declaration hereby directs bars, lounges, taverns, private clubs, arcades, bowling alleys, bingo parlors, indoor commercial amusement businesses, gyms, martial arts studios, nail salons, hair salons, barber shops, hair removal salons, massage parlors, spas, tattoo and piercing parlors and all other non-medical, personal care services to close.

SECTION 11. That this declaration hereby directs the public from visiting nursing homes or retirement centers unless they are providing critical assistance.

SECTION 12. That this declaration hereby mandates that as of April 19, 2020, employers that are providing Essential Services and Reopened Services as described in the County Judge’s April 29th Declaration must provide face coverings and training for appropriate use to employees who are working in an area or activity which will necessarily involve close contact or proximity to co-workers or the public.

SECTION 13. That this declaration hereby directs the residents and visitors to Balcones Heights to comply with Bexar County Judge’s Order issued on April 29, 2020, attached hereto as Exhibit B.

SECTION 14. That effective immediately, and continuing through 12:01 AM on May 19, 2020, the City hereby adopts the provisions of Executive Order GA-18 issued by Governor Greg Abbott on April 27, 2020. The provisions of GA-18 are incorporated herein by reference as if written word for word. Any provision in the Bexar County Judge’s Order issued on April 29th that may be in conflict with Governor’s Executive Order GA-18, the Governor’s Order shall control.

SECTION 15. 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 16. That this declaration shall take effect upon passage and be effective through 12:01 AM on May 19, 2020 unless extended or modified by City Council.

DECLARED this 30th day of April, 2020.

Suzanne de Leon, Mayor
City of Balcones Heights
Exhibit A

Governor Gregg Abbott Order GA-18
Issued April 27, 2020
April 27, 2020

The Honorable Ruth R. Hughes
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

Dear Secretary Hughes:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-18 relating to the expanded reopening of services as part of the safe, strategic plan to Open Texas in response to the COVID-19 disaster.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,

[Signature]

Gregory S. Davidson
Executive Clerk to the Governor
GSD/gsd

Attachment
Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
April 27, 2020

EXECUTIVE ORDER
GA 18

Relating to the expanded reopening of services as part of the safe, strategic plan to
Open Texas in response to the COVID-19 disaster.

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March
13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel
coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the
State of Texas; and

WHEREAS, on April 12, 2020, I issued a proclamation renewing the disaster declaration
for all counties in Texas; and

WHEREAS, the Commissioner of the Texas Department of State Health Services
(DSHS), Dr. John Hellerstedt, has determined that COVID-19 represents a public health
disaster within the meaning of Chapter 81 of the Texas Health and Safety Code, and
renewed that determination on April 17, 2020; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to
COVID-19, aimed at protecting the health and safety of Texans and ensuring an
effective response to this disaster; and

WHEREAS, I issued Executive Order GA-08 on March 19, 2020, mandating certain
obligations for Texans in accordance with the President’s Coronavirus Guidelines for
America, as promulgated by President Donald J. Trump and the Centers for Disease
Control and Prevention (CDC) on March 16, 2020, which called upon Americans to take
actions to slow the spread of COVID-19 for 15 days; and

WHEREAS, shortly before Executive Order GA-08 expired, I issued Executive Order
GA-14 on March 31, 2020, based on the President’s announcement that the restrictive
social-distancing Guidelines should extend through April 30, 2020, in light of advice
from Dr. Anthony Fauci and Dr. Deborah Birx, and also based on guidance by DSHS
Commissioner Dr. Hellerstedt and Dr. Birx that the spread of COVID-19 can be reduced
by minimizing social gatherings; and

WHEREAS, Executive Order GA-14 superseded Executive Order GA-08 and expanded
the social-distancing restrictions and other obligations for Texans that are aimed at
slowing the spread of COVID-19, including by limiting social gatherings and in-person
contact with people (other than those in the same household) to providing or obtaining
"essential services," and by expressly adopting federal guidance that provides a list of
critical-infrastructure sectors, workers, and functions that should continue as "essential
services" during the COVID-19 response; and
WHEREAS, after more than two weeks of having in effect the heightened restrictions like those required by Executive Order GA-14, which have saved lives, it was clear that the disease still presented a serious threat across Texas that could persist in certain areas, but also that COVID-19 had wrought havoc on many Texas businesses and workers affected by the restrictions that were necessary to protect human life; and

WHEREAS, on April 17, 2020, I therefore issued Executive Order GA-17, creating the Governor’s Strike Force to Open Texas to study and make recommendations on safely and strategically restarting and revitalizing all aspects of the Lone Star State—work, school, entertainment, and culture; and

WHEREAS, also on April 17, 2020, I issued Executive Order GA-16 to replace Executive Order GA-14, and while Executive Order GA-16 generally continued through April 30, 2020, the same social-distancing restrictions and other obligations for Texans according to federal guidelines, it offered a safe, strategic first step to Open Texas, including permitting retail pick-up and delivery services; and

WHEREAS, Executive Order GA-16 is set to expire at 11:59 p.m. on April 30, 2020; and

WHEREAS, Texas must continue to protect lives while restoring livelihoods, both of which can be achieved with the expert advice of medical professionals and business leaders; and

WHEREAS, the “governor is responsible for meeting … the dangers to the state and people presented by disasters” under Section 418.011 of the Texas Government Code, and the legislature has given the governor broad authority to fulfill that responsibility; and

WHEREAS, under Section 418.012, the “governor may issue executive orders … hav[ing] the force and effect of law;” and

WHEREAS, under Section 418.016(a), the “governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business … if strict compliance with the provisions … would in any way prevent, hinder, or delay necessary action in coping with a disaster;” and

WHEREAS, under Section 418.017(a), the “governor may use all available resources of state government and of political subdivisions that are reasonably necessary to cope with a disaster;” and

WHEREAS, under Section 418.018(c), the “governor may control ingress and egress to and from a disaster area and the occupancy of premises in the area;” and

WHEREAS, under Section 418.173, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable by a fine not to exceed $1,000, confinement in jail for a term not to exceed 180 days, or both fine and confinement.

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective immediately, and continuing through May 15, 2020, subject to extension based on the status of COVID-19 in Texas and the
recommendations of the Governor's Strike Force to Open Texas, the White House Coronavirus Task Force, and the CDC:

In accordance with guidance from DSHS Commissioner Dr. Hellerstedt, and to achieve the goals established by the President to reduce the spread of COVID-19, every person in Texas shall, except where necessary to provide or obtain essential services or reopened services, minimize social gatherings and minimize in-person contact with people who are not in the same household. People over the age of 65, however, are strongly encouraged to stay at home as much as possible; to maintain appropriate distance from any member of the household who has been out of the residence in the previous 14 days; and, if leaving the home, to implement social distancing and to practice good hygiene, environmental cleanliness, and sanitation.

“Essential services” shall consist of everything listed by the U.S. Department of Homeland Security (DHS) in its Guidance on the Essential Critical Infrastructure Workforce, Version 3.0 or any subsequent version, plus religious services conducted in churches, congregations, and houses of worship. Other essential services may be added to this list with the approval of the Texas Division of Emergency Management (TDEM). TDEM shall maintain an online list of essential services, as specified in this executive order and any approved additions. Requests for additions should be directed to TDEM at EssentialsServices@tdem.texas.gov or by visiting the TDEM website at www.tdem.texas.gov/essentialservices.

“Reopened services” shall consist of the following to the extent they are not already “essential services:”

1. Retail services that may be provided through pickup, delivery by mail, or delivery to the customer’s doorstep.

2. Starting at 12:01 a.m. on Friday, May 1, 2020:
   a) In-store retail services, for retail establishments that operate at up to 25 percent of the total listed occupancy of the retail establishment.
   b) Dine-in restaurant services, for restaurants that operate at up to 25 percent of the total listed occupancy of the restaurant; provided, however, that (a) this applies only to restaurants that have less than 51 percent of their gross receipts from the sale of alcoholic beverages and are therefore not required to post the 51 percent sign required by Texas law as determined by the Texas Alcoholic Beverage Commission, and (b) valet services are prohibited except for vehicles with placards or plates for disabled parking.
   c) Movie theaters that operate at up to 25 percent of the total listed occupancy of any individual theater for any screening.
   d) Shopping malls that operate at up to 25 percent of the total listed occupancy of the shopping mall; provided, however, that within shopping malls, the food-court dining areas, play areas, and interactive displays and settings must remain closed.
   e) Museums and libraries that operate at up to 25 percent of the total listed occupancy; provided, however, that (a) local public museums and local public libraries may operate only if permitted by the local government, and (b) any components of museums or libraries that have interactive functions or exhibits, including child play areas, must remain closed.
   f) For Texas counties that have filed with DSHS, and are in compliance with, the requisite attestation form promulgated by DSHS regarding five or fewer cases of COVID-19, those in-store retail services, dine-in restaurant services, movie theaters, shopping malls, and museums and libraries, as otherwise defined and limited above, may operate at up to 50 percent (as opposed to 25 percent) of
the total listed occupancy.
g) Services provided by an individual working alone in an office.
h) Golf course operations.
i) Local government operations, including county and municipal governmental operations relating to permitting, recordation, and document-filing services, as determined by the local government.
j) Such additional services as may be enumerated by future executive orders or proclamations by the governor.

The conditions and limitations set forth above for reopened services shall not apply to essential services. Notwithstanding anything herein to the contrary, the governor may by proclamation identify any county or counties in which reopened services are thereafter prohibited, in the governor’s sole discretion, based on the governor’s determination in consultation with medical professionals that only essential services should be permitted in the county, including based on factors such as an increase in the transmission of COVID-19 or in the amount of COVID-19-related hospitalizations or fatalities.

In providing or obtaining essential services or reopened services, people and businesses should follow the minimum standard health protocols recommended by DSHS, found at www.dshs.texas.gov/coronavirus, and should implement social distancing, work from home if possible, and practice good hygiene, environmental cleanliness, and sanitation. This includes also following, to the extent not inconsistent with the DSHS minimum standards, the Guidelines from the President and the CDC, as well as other CDC recommendations. Individuals are encouraged to wear appropriate face coverings, but no jurisdiction can impose a civil or criminal penalty for failure to wear a face covering.

Religious services should be conducted in accordance with the joint guidance issued and updated by the attorney general and governor.

People shall avoid visiting bars, gyms, public swimming pools, interactive amusement venues such as bowling alleys and video arcades, massage establishments, tattoo studios, piercing studios, or cosmetology salons. The use of drive-thru, pickup, or delivery options for food and drinks remains allowed and highly encouraged throughout the limited duration of this executive order.

This executive order does not prohibit people from accessing essential or reopened services or engaging in essential daily activities, such as going to the grocery store or gas station, providing or obtaining other essential or reopened services, visiting parks, hunting or fishing, or engaging in physical activity like jogging, bicycling, or other outdoor sports, so long as the necessary precautions are maintained to reduce the transmission of COVID-19 and to minimize in-person contact with people who are not in the same household.

In accordance with the Guidelines from the President and the CDC, people shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless to provide critical assistance as determined through guidance from the Texas Health and Human Services Commission (HHSC). 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 whenever possible.

In accordance with the Guidelines from the President and the CDC, schools shall remain temporarily closed to in-person classroom attendance by students and shall not
recommence before the end of the 2019-2020 school year. Public education teachers and staff are encouraged to continue to work remotely from home if possible, but may return to schools to conduct remote video instruction, as well as perform administrative duties, under the strict terms required by the Texas Education Agency. Private schools and institutions of higher education should establish similar terms to allow teachers and staff to return to schools to conduct remote video instruction and perform administrative duties when it is not possible to do so remotely from home.

This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts essential services or reopened services allowed by this executive order, allows gatherings prohibited by this executive order, or expands the list of essential services or the list or scope of reopened services as set forth in this executive order. I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.

This executive order supersedes Executive Order GA-16, but does not supersede Executive Orders GA-10, GA-11, GA-12, GA-13, GA-15, or GA-17. This executive order shall remain in effect and in full force until 11:59 p.m. on May 15, 2020, unless it is modified, amended, rescinded, or superseded by the governor.

Given under my hand this the 27th day of April, 2020.

[Signature]
GREG ABBOTT
Governor

ATTESTED BY:

[Signature]
RUTH R. HUGHES
Secretary of State
SECTION 9. That this declaration to be consistent with Bexar County Order issued on April 29, 2020, hereby requires all people 10 years or older to wear a cloth face covering over their nose and mouth when in a public place where it is difficult to keep six feet away from other people such as visiting a grocery store/pharmacy or working in areas that involve close proximity with other coworkers. Coverings may include homemade masks, scarfs, bandanas, or a handkerchief. Consistent with Governor’s Executive Order GA-18, the City may not issue a civil or criminal penalty for failure to wear a face covering. Face coverings do not need to be worn in the following circumstances: (i) when exercising outside or engaging in physical activity outside; (ii) while driving alone or with passengers who are part of the same household as the driver; (iii) when doing so poses a greater mental or physical health, safety or security risk; (iv) while pumping gas or operating outdoor equipment; (v) while in a building or activity that requires security surveillance or screening, for example, banks; and (vi) when consuming food or drink.

SECTION 10. That this declaration hereby directs bars, lounges, taverns, private clubs, arcades, bowling alleys, bingo parlors, indoor commercial amusement businesses, gyms, martial arts studios, nail salons, hair salons, barber shops, hair removal salons, massage parlors, spas, tattoo and piercing parlors and all other non-medical, personal care services to close.

SECTION 11. That this declaration hereby directs the public from visiting nursing homes or retirement centers unless they are providing critical assistance.

SECTION 12. That this declaration hereby mandates that as of April 19, 2020, employers that are providing Essential Services and Reopened Services as described in the County Judge’s April 29th Declaration must provide face coverings and training for appropriate use to employees who are working in an area or activity which will necessarily involve close contact or proximity to co-workers or the public.

SECTION 13. That this declaration hereby directs the residents and visitors to Balcones Heights to comply with Bexar County Judge’s Order issued on April 29, 2020, attached hereto as Exhibit B.

SECTION 14. That effective immediately, and continuing through 12:01 AM on May 19, 2020, the City hereby adopts the provisions of Executive Order GA-18 issued by Governor Greg Abbott on April 27, 2020. The provisions of GA-18 are incorporated herein by reference as if written word for word. Any provision in the Bexar County Judge’s Order issued on April 29th that may be in conflict with Governor’s Executive Order GA-18, the Governor’s Order shall control.

SECTION 15. 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 16. That this declaration shall take effect upon passage and be effective through 12:01 AM on May 19, 2020 unless extended or modified by City Council.

DECLARED this 30th day of April, 2020.

Suzanne de Leon, Mayor
Exhibit B

Executive Order of County Judge Nelson W. Wolff
Issued April 29, 2020
EXECUTIVE ORDER NW-07 OF COUNTY JUDGE NELSON W. WOLFF
ISSUED April 29, 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 by the issuance of executive order ("Executive Order");

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 response to the public health threat;

WHEREAS, a County Judge is authorized to control ingress to and egress from a disaster area and control the movement of persons and occupancy of premises on an appropriate local scale in accordance with Section 418.108(g) of the Texas Government Code and his authority as Emergency Management Director; and
WHEREAS, it is the intent of this Executive Order to remain as consistent with and to harmonize, to the extent possible, the executive orders of Governor Greg Abbott and the mandates contained in the current declaration of the Mayor of the City of San Antonio (as extended or modified);

WHEREAS, by the authority vested in me as Bexar County Judge and as the Emergency Management Director for the County of Bexar to continue to protect the health and safety of the community and address developing and rapidly changing circumstances when presented by the current public health emergency, I hereby rescind my previous Executive Orders and any Supplemental Executive Orders and issue this revised Executive Order in their place.

PURSUANT TO THE TEXAS DISASTER ACT OF 1975, BEXAR COUNTY JUDGE NELSON W. WOLFF HEREBY ISSUES THIS EXECUTIVE ORDER AS FOLLOWS:

Effective as of 11:59 p.m. on Wednesday, April 29, 2020, and continuing through 12:01 a.m. on May 19, 2020, unless extended, modified or terminated early by Bexar County Judge Nelson W. Wolff or as otherwise indicated below:

I. **Stay Home Work Safe Measures.** Subject to the definitions and further guidance set out in Subsections (i)-(ii) 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"**). If individuals are using shared or outdoor spaces outside their home or engaged in Essential Services or Reopened Services (as those terms are defined below), then they must maintain social distancing of at least six feet from any other person. All persons may leave their residences only to engage in Outdoor Activity (as defined in Section V of this Executive Order) or to provide or obtain Essential/Reopened Services.

All public or private gatherings occurring outside a single household or single-family living unit are prohibited unless specifically exempted under this Executive Order. Members of a household or single-family living unit may gather.

All businesses operating within Bexar County except Essential Services and Reopened Services, as defined by executive order GA-18 issued by Governor Greg Abbott are required to stop operations and close. All businesses operating within Bexar County that are required to remain closed should review and follow the COVID-19 Health Transition Team Report: A guide to reopening San Antonio and Bexar County.

1) **Face Coverings.** All people 10 years or older must wear a cloth face covering over their nose and mouth when in a public place or when patronizing an Essential Service or Reopened Service where it is difficult to keep six feet away from other people such as visiting a grocery store/pharmacy or working in areas that involve close proximity with other coworkers. The CDC advises face coverings for people 2 years or older. Coverings may include homemade masks, scarfs, bandanas, or a handkerchief. Residents must continue to maintain social distancing of at least six feet while outside their residence.
Employers that qualify as Essential Services or Reopened Services (which shall include all offices and departments of Bexar County) must provide face coverings to employees who are 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 from other individuals is not feasible.

IT IS STRONGLY RECOMMENDED THAT YOU NOT OBTAIN OR WEAR MEDICAL MASKS or N-95 RESPIRATORS AS THEY ARE A NEEDED RESOURCE FOR HEALTH CARE PROVIDERS AND FIRST RESPONDERS. Our healthcare workers and first responders on the front-line combating COVID-19 must have priority access to medical masks or other personal protective equipment.

Face coverings do not need to be worn in the following circumstances:

- When exercising outside or engaging in physical activity outside
- While driving alone or with passengers who are part of the same household as the driver
- When doing so poses a greater mental or physical health, safety, or security risk
- While pumping gas or operating outdoor equipment
- While in a building or activity that requires security surveillance or screening, for example, banks
- When consuming food or drink

Please note that face coverings are a secondary strategy to other mitigation efforts. Face coverings are not a replacement for social distancing, frequent handwashing, and self-isolation when sick. All people should follow CDC recommendations for how to wear and take off a mask.

Residents must keep up the following habits while in public:

- washing hands before you leave home and when you return,
- staying at least six feet away from others,
- avoiding touching nose or face,
- not using disposable masks more than three times, and
- washing reusable cloth masks regularly to prevent the spread of the virus.

Consistent with Executive Order GA-18 issued by Governor Greg Abbott, a civil or criminal penalty will not be imposed on individuals for failure to wear a face covering.

Please visit the City of San Antonio COVID-19 website for additional information and helpful hints on the most effective way to use face coverings.
ii) **Definitions of Essential Services and Reopened Services:**

(a) **Essential Services.** For purposes of this Executive Order, Essential Services are defined as follows:

1) Everything listed by the U.S. Department of Homeland Security (DHS) in its Guidance on the Essential Critical Infrastructure Workforce, Version 3.0 or any subsequent version, plus religious services conducted in churches, congregations, and houses of worship. Other Essential Services may be added to this list with the approval of the Texas Division of Emergency Management (TDEM). TDEM shall maintain an online list of Essential Services. Requests for additions should be directed to TDEM at EssentialServices@tdem.texas.gov or by visiting the TDEM website at: www.tdem.texas.gov/essentialservices

(b) **Reopened Services.** For purposes of this Executive Order, Reopened Services consist of the following to the extent they are not already an Essential Service:

1) Retail services that may be provided through pickup, delivery by mail, or delivery to the customer's doorstep.

2) In-store retail services, for retail establishments that operate at up to 25 percent of the total listed occupancy of the retail establishment.

3) Dine-in restaurant services, for restaurants that operate at up to 25 percent of the total listed occupancy of the restaurant; provided, however, that:

   a) this applies only to restaurants that have less than 51 percent of their gross receipts from the sale of alcoholic beverages and are therefore not required to post the 51 percent sign required by Texas law as determined by the Texas Alcoholic Beverage Commission, and

   b) valet services are prohibited except for vehicles with placards or plates for disabled parking.

   c) the use of drive-thru, pickup, or delivery options for food and drinks is highly encouraged.

4) Movie theaters that operate at up to 25 percent of the total listed occupancy of any individual theater for any screening.

5) Shopping malls that operate at up to 25 percent of the total listed occupancy of the shopping mall; provided, however, that within shopping malls, the food court dining areas, play areas, and interactive displays and settings must remain closed.

6) Once authorized by specific approval of the County Judge, Bexar County museums and Bexar County libraries may operate at up to 25 percent of the
total listed occupancy with the exception of any components that have interactive functions or exhibits, including child play areas, which must remain closed.

7) Services provided by an individual working alone in an office.

8) Golf course operations.

9) Such additional services as may be enumerated by future executive orders or proclamations by Texas Governor Greg Abbott.

Reopened Services are required to follow the specific sector guidance in the Governor's Report to Reopen Texas and shall conspicuously post the applicable maximum occupancy required under the Governor's Order.

II. **Health Protocols for Essential or Reopened Services.** That in providing or obtaining Essential Services or Reopened Services, people and businesses should follow the minimum standard health protocols recommended by the Texas Department of State Health Services and should implement social distancing, work from home if possible, and practice good hygiene, environmental cleanliness, and sanitation.

   a) Essential services shall limit the amount of people at pickup or in an establishment so that social distancing may be maintained.
   b) Essential services shall implement an organized line system where people are spaced at least 6 feet apart.
   c) The use of drive-thru, pickup, or delivery options for food and drinks is highly encouraged.

III. **Eviction Proceedings.** That Bexar County rental property owners temporarily suspend evictions during the pendency of this Executive Order to prevent renters from being displaced due to the public health emergency, except on the order of the Bexar County Justice of the Peace Courts under the procedures and guidelines established by those courts in circumstances which present an imminent threat of: (i) physical harm to the property owner, their employees, or other tenants, or (ii) criminal activity. Tenants may also pursue court remedies for an illegal lockout including seeking writs of re-entry, writs of retrieval and other emergency orders from the Justice of the Peace Courts. Tenants may obtain information on seeking emergency orders by visiting the self-help center located at: https://www.bexar.org/3168/Self-Help-Packets

IV. **Foreclosure Proceedings.** That foreclosure proceedings within Bexar County be temporarily suspended during the pendency of this Executive Order to prevent the displacement of occupants during the public health emergency.

V. **Outdoor Activity, Community-Use Parks and Property.** That consistent with executive order GA-18 issued by the Texas Governor, individuals may engage in
outdoor activity and sports at community parks and public and private recreational areas provided that the activities do not include contact with other participants and no more than four participants engage in the activity together ("Outdoor Activity"). In support of this measure, all public and private recreational areas where social distancing and sanitizing requirements are difficult or impossible to meet, including community and school playgrounds, outdoor exercise equipment, skate plazas, splash pads and basketball courts, including those which are located in apartment complexes or HOA areas, shall close for the duration of this Executive Order.

VI. **Long-term Care Facilities.** That in order to reduce the risk of transmission of COVID 19 among vulnerable populations in long-term care facilities: i) no person shall visit nursing homes, state supported living centers, assisted living facilities, and long-term care facilities unless to provide critical assistance as determined through guidance from the Texas Health and Human Services Commission; and ii) any individual providing in-person services, or who is otherwise employed or staffs a long-term care facility (e.g. nursing home, or assisted living facility), and has direct patient contact shall be prohibited from working in, or visiting, more than (1) long-term care facility for any purpose as a result of the increased risk for transmission of COVID-19 to an at-risk population. This prohibition is based on the Centers for Disease Control and Prevention (CDC) identifying that staff members working in multiple long-term care facilities can contribute to intra- and interfacility spread of COVID-19. The prohibition shall extend to any agency or organization who employs individuals for purposes of staffing or on a temporary basis. Notwithstanding, this prohibition does not, and is not intended to, impact or restrict the ability of an individual, organization or entity to operate as an essential business under the Order/Declaration of either the Texas Governor or the County Judge for Bexar County, but shall only restrict the ingress/egress and movement of persons into or out of more than one nursing home facility. Additionally, long-term care facilities should follow all additional CDC guidance to take proactive steps to protect the health of residents and preserve the health care workforce by identifying and excluding potentially infected staff members, restricting visitation consistent with the Governor’s Executive Order, the Mayor’s Declaration and this Executive Order, ensuring early recognition of potentially infected patients, and implementing appropriate infection control measures.

VII. **Bexar County Justice Center Complex.** That the Bexar County Justice Center Complex shall have two points of access - one at the Paul Elizondo Tower at the Nueva Street entrance and one at the Bexar County Courthouse Bexar Heritage Center entrance - and that all other county-owned or leased buildings shall have a single controlled point of entrance. Further, all citizens and employees be shall be appropriately screened before entering any Bexar County owned or leased building. At the control points, citizens and employees shall be asked certain risk-related questions and their
temperature taken by least obtrusive means. Any individual with a temperature exceeding 100 °F or who fails the screening process will be not be allowed to enter the building. Citizens are encouraged to call the department or office you are attempting to visit prior to visiting a county-owned or leased facility. All social distancing measures must be implemented at the above-described control points.

VIII. **Bexar County Essential Business.** 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.

IX. **Price Gouging.** That during the pendency of this Executive Order, no person or business entity ("Seller") shall engage in price gouging by selling any of the following goods or services for more than the regular retail price the Seller charged for the goods or services on March 19, 2020, except where an increased retail price is the result of documented cost increases from suppliers or other similar cost increases (including the loss of supplier funds to support products):

1) Groceries, beverages, toilet articles, ice;
2) Restaurant, cafeteria, and boarding-house meals; or
3) Medicine, pharmaceutical, and medical equipment and supplies.

X. **Bexar County Adult Detention Center.** That due to the risk of a COVID-19 outbreak in the Bexar County Adult Detention Center:

a. I hereby direct that the Bexar County District Attorney's Office, the Public Defender's Office, the Office of Criminal Justice Policy, Planning & Programs, the District and County Clerks and the judiciary continue to work diligently together with the Bexar County Sheriff's Office to identify persons whose charged offenses and backgrounds pose little to no risk to public safety and who may be eligible for pretrial release.

b. I further direct that those offices and instrumentalities take appropriate action to provide for the immediate release of the individuals so identified in Section 11(a) above in accordance with any applicable law in order to mitigate the grave threat posed by a concentrated outbreak of COVID-19 in the facility.

c. Under no circumstances shall this Executive Order be interpreted in a manner as to require or direct the release on personal bond of any person previously convicted of a crime that involves physical violence or the threat of physical violence, or any person currently arrested for such a crime that is supported by probable cause in violation of executive order GA 13.

XI. **Personal Illness.** That any person who is ill should stay at home and not engage in any activity outside their residence unless related to treatment or health care. If someone in a household has tested positive for COVID-19 then they must follow the isolation and quarantine measures proscribed by local, state, or federal health authorities. If a member
of a household tests positive, then other members of the household should consider themselves positive if they become symptomatic and also follow the isolation and quarantine measures proscribed by local, state, or federal health authorities.

XII. Antibody Testing. A number of health care providers and others have been marketing and administering COVID-19 antibody testing to consumers. If you are considering or planning an antibody test please make sure that the provider will administer an antibody test that has been approved by the Food and Drug Administration and that you will be fully informed of the test protocol and test results. The City and County will work together to protect the community from misleading or inaccurate testing practices. Before you receive an antibody test please review FDA information and guidance which can be found on https://www.fda.gov/medical-devices/letters-health-care-providers/important-information-use-serological-antibody-tests-covid-19-letter-health-care-providers.

XIII. Enforcement. Excepting Section I, Subsection (i) of this Executive Order related to face coverings, 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.

XIV. Severability. 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.

XV. Interpretation and Additional Terms. To the greatest extent possible, this Executive Order shall be interpreted as consistent with and supplemental to any executive order issued by the Texas Governor. All provisions of the executive orders of the Texas Governor either existing or as, if and when issued, which are made applicable to all jurisdictions by law 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.

ORDERED this 29th day of April, 2020

[Signature]

NELSON W. WOLFF
Bexar County Judge

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