

CITY OF KYLE, TEXAS
DECLARATION OF DISASTER DUE TO PUBLIC HEALTH EMERGENCY

WHEREAS, in December 2019, a novel coronavirus, designated COVID-19, was detected in Wuhan, China; and

WHEREAS, symptoms of COVID-19 include fever, cough and shortness of breath, and can range from mild to severe illness; and

WHEREAS, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern, advising countries to prepare for the containment, detection, isolation and case management, contract tracing and prevention of onward spread of the disease; and

WHEREAS, on March 5, 2020, the World Health Organization Director General urged aggressive preparedness and activation of emergency plans to aggressively change the trajectory of this epidemic; and

WHEREAS, on March 13, 2020, Governor Abbott declared a state of disaster for all counties in the State of Texas due to COVID-19 posing an imminent threat of disaster in the state; and

WHEREAS, on March 16, 2020, President Donald Trump recommended that “People should avoid gathering in groups of more than 10” and “People should stay away from bars restaurants and food courts, and to not travel if possible”; and

WHEREAS, the Center for Disease Control and Preparation is closely monitoring the number of COVID-19 cases that have spread in the United States; and

WHEREAS, on March 15, 2020, the Judge Becerra issued a disaster declaration, which was extended for 120 days by the Hays County Commissioners Court on March 16, 2020; and

WHEREAS, the COVID-19 virus spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

WHEREAS, large gatherings of unidentifiable individuals without necessary mitigation for the spread of infection may pose a risk for the spread of infectious disease; and

WHEREAS, the continued worldwide spread of COVID-19 presents an imminent threat of widespread illness, which requires emergency action; and

WHEREAS, Texas Government Code Chapter 418, Section 418.108, authorizes the Mayor of the City of Kyle to declare a local state of disaster and exercise the powers granted therein on an appropriate local scale; and

WHEREAS, Section 418.004(a) of the Texas Government Code defines disaster as the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, extreme heat, cybersecurity event, other public calamity requiring emergency action, or energy emergency; and

WHEREAS, the Centers on Disease Control and Prevention ("CDC") recommends an "All of Community" approach focused on slowing the transmission of COVID-19 through social distancing to reduce illness and death, while minimizing social and economic impacts; and

WHEREAS, due to the substantial risks to the public, this Declaration prohibits gatherings of more than 10 persons anywhere in the City of Kyle beginning at 12:01 a.m. on March 18, 2020, and continuing until April 30, 2020 if this Declaration is continued by the City Council, unless terminated or modified by an earlier order or declaration, and

WHEREAS, a declaration of local disaster includes the ability to take measures to reduce the possibility of exposure to disease, control the risk and promote the health and safety of individuals in the City;

NOW, THEREFORE, BE IT DECLARED AND ORDERED, pursuant to the authority granted in the Texas Disaster Act of Texas Government Code Chapter 418, as follows:

1. A local state of disaster is hereby declared for the City of Kyle pursuant to Section 418.108(a) of the Texas Government Code.
2. By this declaration, the City of Kyle's role under the Hays County Emergency Management Plan, which is adopted as the City's Emergency Management Plan, is activated, and all other statutory, Charter, and ordinance powers vested in me and all officers of the City to act in this local state of disaster are activated. This declaration shall also activate all recovery and rehabilitation aspects of all applicable local and interjurisdictional emergency management plans and authorizes the furnishing of all aid and assistance as deemed necessary and desirable by those administering such plans.
3. By this declaration, I declare all rules and regulations that may inhibit or prevent prompt response to this threat be suspended for the duration of this declaration and any extension thereof.
4. Pursuant to the authority granted to the Mayor under the Texas Disaster Act of Texas Government Code Chapter 418, I shall exercise any and all necessary powers set out thereunder and I hereby authorize the use of all available resources of state government and political subdivisions to assist in the City's response to this disaster.
5. Pursuant to the authority granted under the laws of the State of Texas, the City may take all legal actions necessary to protect the health of persons in the City.

6. Pursuant to Health and Safety Code Section 122.006, the City may adopt rules to protect the health of persons in the City, and provide for the establishment of quarantine stations, emergency hospitals, and other hospitals.
7. Pursuant to Section 418.108(b) of the Texas Government Code, the state of a local disaster shall continue for a period of not more than seven (7) days from the date of this Declaration and Order unless continued or renewed by the City Council of the City of Kyle; Texas.
8. Pursuant to Section 418.108(c) of the Texas Government Code, this Declaration and Order shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
9. 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 “gathering” refers generally to a scheduled event or common endeavor where 10 persons are present in a confined space, room, or area.
10. 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.
11. Upon ratification of the Kyle City Council, this declaration shall remain in effect until midnight April 5, 2020.
12. The following exemptions apply to the gathering limits:
 - i) Grocery stores
 - ii) Gas stations
 - iii) Medical facilities (including chiropractic, veterinary, etc.)
 - iv) Outdoor construction areas
 - v) Hays CISD activities such as online learning and food distribution
13. The following establishments are closed entirely:
 - i) Day Care / Child Care facilities
 - ii) Movie Theaters
 - iii) Bowling Alleys
 - iv) Indoor Gymnasiums
 - v) Massage Establishments
 - vi) Public, HOA and Semi-public playground equipment and pools
14. The City will post this Declaration on its website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Declaration is strongly encouraged to post a copy of this Declaration onsite and to provide a copy to any member of the public asking for a copy. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity.

This Declaration and Order is adopted this the 3rd day of April 2020, at 6:30 PM, effective 12:01 AM _____, 2020.

Travis Mitchell, Mayor
City of Kyle, Texas

Filed with me, the City Secretary of the City of Kyle, this the ____ day of _____, 2020, by Mayor Travis Mitchell, whose signature I hereby attest under my hand and seal of the City of Kyle.

Jennifer Vetrano, City Secretary