

**ORDER NUMBER 4 AND PROCLAMATION BY THE MAYOR OF
THE CITY OF KYLE**

WHEREAS, on March 17, 2020, the Mayor of the City of Kyle issued a disaster declaration declaring a local state of disaster for the City of Kyle due to COVID-19 posing an imminent threat of disaster in the City;

WHEREAS, on March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a state of disaster, the President of the United States of America declared a national emergency;

WHEREAS, the Texas Department of State Health Services determined that, as of March 19, 2020, COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, COVID-19 continues to spread and to pose an increasing, imminent threat of disaster throughout Texas; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has advised that person-to-person contact heightens the risk of COVID-19 transmission; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) recommends an “All of Community” approach focused on slowing the transmission of COVID-19; and

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

WHEREAS, the CDC advises that current evidence suggests that COVID-19 may remain viable for hours to days on surfaces made from a variety of materials; and

WHEREAS, on March 31, 2020, the Governor of the State of Texas issued Executive Order No. GA-14 (“GA-14”) implementing Essential Services and Activities Protocols for the entire State of Texas; and

WHEREAS, on March 28, 2020, the Director of Cybersecurity and Infrastructure Security Agency issued a Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response which states that local governments are responsible for implementing and executing response activities, that officials should use their own judgement in issuing implementation directives and guidance, and that individual jurisdictions should add or subtract essential workforce categories based on their own requirements and discretion; and

WHEREAS, GA-14 suspended 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, only to the extent necessary to ensure that local officials do not impose

restrictions inconsistent with the same, and provided that local officials may enforce GA-14, as well as other local restrictions that are consistent with GA-14; and

WHEREAS, Governor Abbott was quoted in the Texas Tribune as stating that local officials "still have flexibility to impose standards that they consider to be more strict" — as long as they do not conflict with his latest executive order"; and

WHEREAS, pursuant to Section 418.193, Texas Government Code, I consulted with the Texas Attorney General's Office regarding the content of this Order; and

WHEREAS, in order to protect the life and health of local residents, it is reasonable and necessary to extend the Order issued by the Mayor on March 19, 2020, closing day care facilities, and Order No. 3, implementing sanitation measures and occupancy limits for gas stations and gas station customers;

NOW THEREFORE, I, MAYOR OF THE CITY OF KYLE, TEXAS, PURSUANT TO THE AUTHORITY VESTED IN ME BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND, ORDER, AND PROCLAIM THAT:

Section 1. The findings and recitations set out in the preamble to this Order are found to be true and correct and they are hereby adopted by the Mayor and made a part hereof for all purposes.

Section 2. Effective as of 11:59 p.m. on April 3, 2020, and continuing until 11:59 p.m. on April 30, 2020, Order by the Mayor of the City of Kyle effective on March 19, 2020 ("Order No. 1"), and Order Number 3 and Proclamation by the Mayor, effective on March 24, 2020, ("Order No. 3") are hereby continued and shall remain in full force and effect until April 30, 2020; provided that Order No. 3 is amended as provided herein. The provisions of Order No. 1 and Order No. 3 addressing closure of day care facilities and occupancy limits and sanitation measures for gas stations (as amended) are set forth herein.

(a) Order No. 1 provides as follows:

All day care centers, child-care facilities, and family homes, as those terms are defined by Chapter 42, Texas Human Resources Code, within the City of Kyle are hereby ORDERED to be temporarily closed.

(b) Order No. 3, as amended, provides as follows:

It hereby ORDERED that the owner, operator, manager, or person in charge of a gas station shall:

1. Limit occupancy of the building to 10 customers, and cause customers to maintain a minimum of six feet in distance from other customers.
2. Allow entry to the building only at entrances that have a hand sanitizer station and an attendant in place.

3. Locate a hand sanitation station at at least one entrance to the building and require all customers to sanitize their hands upon entering the building. Customers may sanitize their hands using the hand sanitation station, their own sanitizer in presence of the attendant. The City will cause at least one hand sanitation stations and sanitizer product to be provided to each gas station.
4. Post an attendant near the hand sanitation station to ensure that customers sanitize their hands and maintain a distance of six feet from each other.
5. Methods of enforcing the six-foot distance requirements may include, but are not limited to, placing markers on the floor in locations where customers stand in line.
6. The door providing entry to the building shall either: a) remain open in accordance with Order No. 2; or b) in the alternative the attendant may open the door for customers.

It is further ORDERED that gas station customers shall:

1. Sanitize their hands at the hand sanitation station located outside of the building or with their own hand sanitizer before entering.
2. Maintain a distance of at least six feet from other customers while on gas station premises.
3. Refrain from entering a gas station store that has reached the maximum occupancy limit of ten people.

Section 3. The Kyle Police Department, the Fire Marshal, and other peace officer are authorized to enforce this Order. A violation of this Order is a misdemeanor punishable by fine not to exceed \$1,000 or confinement in jail for a term not to exceed 180 days.

Section 4. The City will post this Order on its website and the Order shall be widely advertised to help accomplish the public health and safety objectives of the City of Kyle. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.

Section 5. 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.

Section 6. This Order continues in effect Order No. 1 and Order No. 3, amended as provided herein, and all previous orders or declaration on the matter of the operation and occupancy of day cares, day care centers, child-care facilities, and family homes and the matter of gas stations that are in conflict or inconsistent with its terms, are amended to the extent of any conflict by this Order, and this Order shall remain in effect and in full force until 11:59 p.m. on April 30, 2020, subject to being extended, modified, amended, rescinded, or superseded by me or by a succeeding Mayor.

Ordered and proclaimed this the 3rd day of April, 2020, in the City of Kyle, Texas.

Travis Mitchell, Mayor
City of Kyle, Texas

Attest:

Jennifer Vetrano, City Secretary