

# A G E N D A

**Special Session of the Bedford City Council  
Tuesday, April 7, 2020 at 1:00 p.m.  
Bedford City Hall Building A  
2000 Forest Ridge Drive  
Bedford, Texas 76021**

In accordance with order of the Office of the Governor issued March 16, 2020, the City of Bedford City Council will conduct its meeting scheduled at 1:00 p.m. on Tuesday, April 7, 2020, at City Hall by video conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID19). There will be no public access to the location described above. Residents interested in the Council meeting can watch it live on the City’s website at <https://bedfordtx.gov/250/City-Council-Meetings-Online> or tune in to channels 16 (Spectrum) or 99 (AT&T).

The agenda packet and meeting information are posted online at <https://bedfordtx.gov/AgendaCenter/City-Council-2>. You may provide written comments on specific agenda items prior to the meeting by calling 817-952-2104, emailing [citysecretary@bedfordtx.gov](mailto:citysecretary@bedfordtx.gov) or by filling out the Comment Form by visiting <https://bedfordtx.gov/FormCenter/City-Council-11/City-Council-Meeting-Sign-Up-Form-51>. You may also use the Comment Form to sign up to speak on specific agenda items during the meeting by phone. You must sign up by 12:00 p.m. on the day of the meeting and provide a valid phone number. You will be called during the meeting at the appropriate time.

## CALL TO ORDER

## SPECIAL SESSION

**OPEN FORUM** *(The public is invited to address the Council on any topic that is posted on this agenda. Citizens desiring to speak on Public Hearing(s) must do so at the time the Public Hearing(s) are opened. In order to speak during Open Forum, a person must first sign in with the City Secretary prior to the Special Session being called to order. Speakers will be called upon in the order in which they sign in. Any person not signing in prior to the commencement of the Special Session shall not be allowed to speak under Open Forum. Further, Open Forum is limited to a maximum of 30 minutes. Should speakers not use the entire 30 minutes Council will proceed with the agenda. At the majority vote of the Council the Mayor may extend the time allotted for Open Forum.)*

- 1. Consider a resolution amending and extending the executive order of Mayor Michael Boyter issued on March 25, 2020 in response to the COVID-19 pandemic.**

## ADJOURNMENT

### **CERTIFICATION**

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the outside window in a display cabinet at the City Hall of the City of Bedford, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted by the following date and time: Friday, April 3, 2020 at 7:00 p.m., and remained so posted at least 72 hours before said meeting convened.

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**Michael Wells, City Secretary**

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**Date Notice Removed**

(Auxiliary aids and services are available to a person when necessary to afford an equal opportunity to participate in City functions and activities. Auxiliary aids and services or accommodations must be requested in writing to the City Secretary's Office a minimum of seventy-two hours (72) hours prior to the scheduled starting time of the posted meeting. Requests can be delivered in person or mailed to the City Secretary's Office at 2000 Forest Ridge Drive, Bedford, TX 76021, or emailed to [citysecretary@bedfordtx.gov](mailto:citysecretary@bedfordtx.gov). Some requests may take longer due to the nature, extent and/or availability of such auxiliary aids, services or accommodations.)



# Council Agenda Background

**PRESENTER:** Michael Boyter, Mayor

**DATE:** 04/07/20

**Council Mission Area:** Be responsive to the needs of the community.

**ITEM:**

Consider a resolution amending and extending the executive order of Mayor Michael Boyter issued on March 25, 2020 in response to the COVID-19 pandemic.

**City Attorney Review:** Yes

**SUMMARY:**

This item is to consider amending and extending an executive order of Mayor Michael Boyter issued on March 25, 2020 in response to the COVID-19 pandemic.

**BACKGROUND:**

Under the authority given to him by Section 418.108 of the Texas Government Code, Mayor Michael Boyter ordered a Declaration of Local Disaster Due to Public Health Emergency on March 19, 2020 and an Executive Order on March 25, 2020 in response to the COVID-19 pandemic and its current and potential impact on the City of Bedford. The Executive Order expires on April 7, 2020, so Council action is needed to extend the order beyond that date.

Further, Tarrant County Judge Glen Whitley issued Executive Orders on March 27, 2020 and April 3, 2020 which includes the following:

- Adding a definition of Essential Services;
- Adding language that nothing in the order is intended to restrict Essential Services or gatherings permitted by Governor Greg Abbott's Executive Order GA-14;
- Adding language that the order does not restrict business operations delivering Essential Services pursuant to Attorney General Ken Paxton's Opinion KP-0296;
- Changing language as it relates to Minimum Basic Operations;
- Changing language as it relates to elective medical procedures;
- Removal of language related to price gouging;
- Changes to the language regarding restrictions on worship services;
- Adding curbside pickup as an option for restaurants, etc.;
- Adding yard maintenance, landscapers and weddings as essential businesses; and
- Changing the definition of Essential Critical Infrastructure.

This Executive Order mirrors the language of Judge Whitley's. It should be noted that the County's Executive Order removed the provision related to commandeering or using private property.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution amending and extending the executive order of Mayor Michael Boyter issued on March 25, 2020 in response to the COVID-19 pandemic.

**FISCAL IMPACT:**

**Unknown at this time**

**ATTACHMENTS:**

**Resolution (Draft)  
Exhibit A (Draft)  
Exhibit A Redline (Draft)  
Judge Whitley's Executive Order  
Order GA-14  
Opinion KP-0296**

RESOLUTION NO. 2020-

AMENDING AND EXTENDING THE EXECUTIVE ORDER OF MAYOR MICHAEL BOYTER ISSUED ON MARCH 25, 2020 IN RESPONSE TO THE COVID-19 PANDEMIC.

WHEREAS, on March 19, 2020, Mayor Boyter ordered a Declaration of Local Disaster due to Public Health Emergency in response to the COVID-19 pandemic; and,

WHEREAS, on March 25, 2020, Mayor Boyter issued an Executive Order due to Public Health Emergency in response to the COVID-19 pandemic; and,

WHEREAS, Tarrant County Judge Glen Whitley issued a Declaration of Local Disaster due to Public Health Emergency on March 13, 2020 and the County Commissioners issued a Renewal of Declaration of Local Disaster due to Public Health Emergency on March 17, 2020, and on March 18, 2020, the County Judge issued a First Amended Declaration of Local Disaster due to Public Health Emergency; and,

WHEREAS, Tarrant County Judge Glen Whitley issued a Second Amended Declaration of Local Disaster due to Public Health Emergency on March 21, 2020, an Amended Executive Order on March 24, 2020, an Executive Order on March 27, 2020 and an Executive Order on April 3, 2020; and,

WHEREAS, Texas Governor Greg Abbott issued Executive Orders relating to COVID-19 preparedness and mitigation on March 19 and March 31, 2020; and,

WHEREAS, to remain consistent with the declaration of the Texas Department of State Health Services and the executive orders issued by Governor Greg Abbott as of March 19 and March 31, 2020 and to harmonize to the extent possible, the executive orders of Governor Greg Abbott, the Tarrant County Judge and the mandates contained in the declarations of the Mayors of the Cities of Fort Worth, Arlington and the other cities of Tarrant County, the City Council wishes to amend and extend the Executive Order of Mayor Michael Boyter issued on March 25, 2020 in response to the COVID-19 pandemic.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS:

SECTION 1. That the findings above are found to be true and correct, and are incorporated herein.

SECTION 2. That the Executive Order read in its entirety as Exhibit A.

SECTION 3. That this Executive Order shall take effect immediately and shall remain in effect until April 30, 2020, unless terminated or modified by a subsequent Order.

SECTION 4. That this Executive Order supersedes all prior declaration(s) and order(s) issued by the City of Bedford thereto.

PRESENTED AND PASSED this 7th day of April, 2020, by a vote of \_\_\_ ayes, \_\_\_ nays and \_\_\_ abstentions, at a special meeting of the City Council of the City of Bedford, Texas.

\_\_\_\_\_  
Michael Boyter, Mayor

ATTEST:

\_\_\_\_\_  
Michael Wells, City Secretary



## CITY OF BEDFORD

### EXECUTIVE ORDER OF MAYOR MICHAEL BOYTER

**WHEREAS**, pursuant to Texas Government Code § 418.108, City of Bedford Mayor Michael Boyter issued a Declaration of Local Disaster due to Public Health Emergency on March 19, 2020 due to imminent threat of widespread illness from COVID-19; and

**WHEREAS**, the City of Bedford Mayor has determined that extraordinary measures must be taken to mitigate the effects of this public health emergency and to facilitate the efficient, rapid, and cooperative response to the emergency; and

**WHEREAS**, to remain consistent with the declaration of the Texas Department of State Health Services and the executive orders issued by Governor Greg Abbott as of March 31, 2020 and to harmonize to the extent possible, the executive orders of Governor Greg Abbott, the Tarrant County Judge, the City of Bedford Mayor and the mandates contained in the declarations of the Mayors of the Cities of Fort Worth, Arlington and the other cities of Tarrant County, the City of Bedford Mayor issues this Executive Order.

**THEREFORE**, Pursuant to Texas Government Code Chapter 418, Be It Proclaimed and **ORDERED** by the City of Bedford Mayor:

1. That a state of disaster and public health emergency is hereby declared for the City of Bedford, pursuant to § 418.108(a) of the Texas Government Code.
2. That this Executive Order shall be given prompt and general publicity and shall be filed promptly with the City of Bedford City Secretary, pursuant to § 418.108(c) of the Texas Government Code.
3. That the City of Bedford Emergency Operations Plan is activated and implemented, pursuant to § 418.108(d) of the Texas Government Code.
4. That this Executive Order authorizes the City of Bedford to take any actions necessary to promote health and suppress disease, including quarantine, evacuation, regulating ingress and egress from a disaster area and controlling the movement of persons and the occupancy of premises, pursuant to § 418.108(f), (g) of the Texas Government Code.
5. All persons currently residing within the City of Bedford shall stay at their place of residence, except as allowed by this Order. All persons may leave their residences only for Essential Travel, Essential Services, and Essential Activities, to work in or access Essential Businesses, Government Service, or Essential Critical Infrastructure, or to perform Minimum Basic Operations, as defined below.

To the extent individuals are using shared or outdoor spaces, they must maintain Social Distancing and minimize in-person contact with people who are not in the same household.

Nothing in this Executive Order is intended to restrict “essential services” as such term is defined in Governor Abbott’s Executive Order GA-14 (Order GA-14), nor is it intended to allow gatherings prohibited by Order GA-14. To the extent that the Texas Division of Emergency Management approves additions to “essential services”, those additions will be treated as an Essential Business in the City of Bedford. Nothing herein is intended to impose restrictions inconsistent with Order GA-14 or any other order issued by the Governor currently in effect relating to COVID-19 (a COVID Order). To the extent that this Executive Order

conflicts with a COVID Order, the provisions in a COVID Order prevail.<sup>1</sup>

6. All businesses operating in the City of Bedford, except Essential Businesses as defined herein, shall not allow members of the public to occupy business premises. Non-essential businesses may continue Minimum Basic Operations, as outlined below, so long as the businesses strictly adhere to the following: (1) minimize in-person contact with people who are not in the same household; (2) maintain Social Distancing; (3) utilize remote teleworking to the greatest extent possible; and (4) minimize the number of employees needed to operate at a basic level.

Minimum Basic Operations allows the minimum necessary activities to:

- a. Maintain the value of the business's inventory or equipment, process payroll and employee benefits, maintain the premises and the security of the premises, equipment or inventory, including the care and maintenance of livestock or animals;
  - b. IT or other operations that facilitate employees working from home; and
  - c. Facilitate online or call-in sales; and/or perform in-store repair services.
7. It is ordered that a restaurant with or without drive-in or drive-through services; drive-in restaurant; drive-through restaurant; or microbrewery, micro-distillery, or winery may only provide take out, delivery, curbside pickup or drive-in or drive-through services as allowed by law. Social Distancing is required.
  8. All public or private gatherings of any number of people occurring outside a single household or living unit are prohibited, except as otherwise provided herein. Nothing in this Executive Order prohibits the gathering of members of a household or living unit nor does it prohibit any gathering expressly permitted by Order GA-14.
  9. All elective medical, surgical, and dental procedures are prohibited anywhere in the City of Bedford. All licensed health care professionals shall postpone all surgeries and procedures that are not immediately medically necessary to correct a serious medical condition of, or to preserve the life of, a patient who without immediate performance of the surgery or procedure would be at risk for serious adverse medical consequences or death as determined by the patient's physician. Provided, however, that this prohibition shall not apply to any procedure that, if performed in accordance with the commonly accepted standard of clinical practice, would not deplete the hospital capacity or the personal protective equipment needed to cope with the COVID-19 disaster.<sup>2</sup>
  10. If someone in a household has tested positive for COVID-19, the household is ordered to isolate at home. Members of the household cannot go to work, school, or any other community function until cleared by a medical professional but may seek medical services as needed from medical personnel and facilities.
  11. Nursing homes, retirement homes, and long-term care facilities are to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.
  12. Individuals experiencing homelessness are strongly urged to obtain shelter and maintain Social Distancing, when feasible. If a homeless person is sheltered and exhibits symptoms or is diagnosed, the shelter's isolation center shall be deemed the residence of the homeless person solely for the purpose of complying with the requirements of this Executive Order. Medical personnel shall make the decision whether any other shelter residents shall be required to isolate based on potential exposure. Available shelters, to the maximum extent practicable, must use COVID-19 risk mitigation practices in their operations.

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<sup>1</sup> All questions relating to a COVID Order shall be directed to the Texas Division of Emergency Management via email at [EssentialServices@tdem.texas.gov](mailto:EssentialServices@tdem.texas.gov). Information is also available at [www.tdem.texas.gov/essentialservices](http://www.tdem.texas.gov/essentialservices).

<sup>2</sup> Texas Medical Board, 22 TAC § 187.57 (c) (1), (2).

### 13. Definitions:

- a. Social Distancing means maintaining at least 6 feet distance from other individuals, frequently washing hands with soap and water for at least 20 seconds, using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not the hands), regularly disinfecting high touch surfaces, and not shaking hands.
- b. Minimum Basic Operations include the following, provided the businesses strictly adhere to the following: (1) minimize in-person contact with people who are not in the same household; (2) maintain Social Distancing; (3) utilize remote teleworking to the greatest extent possible; and (4) minimize the number of employees needed to operate at a basic level.

Minimum Basic Operations allows the minimum necessary activities to:

- Maintain the value of the business's inventory or equipment, process payroll and employee benefits, maintain the premises and the security of the premises, equipment or inventory, including the care and maintenance of livestock or animals;
  - IT or other operations that facilitate employees working from home; and
  - Facilitate online or call-in sales; and/or perform in-store repair services.
- c. Essential Activities includes any of the following:
    - i. 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 medical supplies or medication, visiting a health care professional, or obtaining supplies need to work from home).
    - ii. 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 and livestock supplies, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences). It is strongly recommended that households, to the greatest extent possible, send only one person to businesses for the purpose of picking up food or other essential items.
    - iii. To engage in outdoor activity, provided the individuals comply with Social Distancing (for example, walking, biking, hiking, golfing, or running).
    - iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Executive Order.
    - v. To care for a family member or pet in another household.

d. Essential Businesses means:

- i. Essential Health Care Services. Healthcare operations, including hospitals, clinics, doctors, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, substance abuse providers, blood banks, medical research, or any related and/or ancillary healthcare services, veterinary care provided to animals. Home-based care for seniors, adults, or children. Residential facilities and shelters for seniors, adults, and children. Healthcare operations do not include fitness and exercise gyms and similar facilities. Healthcare operations do not include elective medical, surgical, and dental procedures as established in accordance with this Executive Order.
- ii. Essential Government Functions. All services provided by local, state and federal governments needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public. All Essential Government Functions shall be performed in compliance with Social Distancing, to the extent possible.
- iii. Essential Critical Infrastructure Pursuant to Governor Abbott's Executive Order GA-14, everything listed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0.
- iv. Essential Retail. Food service providers, including grocery stores, warehouse stores, liquor stores, bodegas, gas stations, convenience stores, and farmers' markets and other retail stores that sell food products and household staples, pet and feed stores. Businesses not open to the public that ship or deliver groceries, food, goods or services directly to residences. Restaurants and other facilities that prepare and serve food, but only for delivery, take out, drive-in, drive-through, curbside pickup, or carry out. Schools and other entities that typically provide free services to students or

members of the public on a pick-up and take-away basis only. The restriction of delivery or carry out does not apply to cafes and restaurants located within hospital and medical facilities. Laundromats, dry cleaners, and laundry service providers. Businesses that provide for the delivery of, or preparation of vehicles. Businesses that supply products needed for people to work from home, including businesses providing mail and shipping and post office box. Businesses that supply products necessary for essential repairs and maintenance of a home or business. Hotel, motels, and shared rental units, except that all bars, cafes, or restaurants in hotels, motels, and shared rental units are closed except for pick-up and room service.

- v. Providers of Basic Necessities to Economically Disadvantaged Populations. Social services and charitable organizations that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals; that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise vulnerable individuals.
  - vi. Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses. Trash and recycling collection, processing and disposal, mail and shipping services, building cleaning and maintenance, auto repair, warehouse/distribution and fulfillment, and storage for essential businesses. Plumbers, pool services, yard maintenance and landscapers, security services, 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 Essential Businesses. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities.
  - vii. News Media. Newspapers, television, radio, and other media services.
  - viii. Financial Institutions. Banks and related financial institutions, consumer lenders, alternative financial services companies, sales and finance lenders, credit unions, appraisers, and title companies. As much business as possible shall be conducted with web-based technology to limit in-person contact.
  - ix. Real Estate Transactions: Services related to current real estate transactions. As much business as possible shall be conducted with web-based technology to limit in-person contact.
  - x. Childcare Services. Childcare facilities providing services that enable employees who perform Essential Activities or work for an Essential Business to work as permitted.
  - xi. Animal Shelters, Zoos, and Other Businesses that Maintain Live Animals. Businesses that maintain and care for live animals are not permitted to allow any visitors or patrons but may continue to operate to the extent necessary to provide the necessary care for the animals. Nothing in this section shall prohibit a non-employee from entering the premises to perform a health care services or another Essential Business service.
  - xii. Construction. Construction under a valid permit issued by a governmental entity.
  - xiii. Funeral Services. Funeral homes, crematoriums and cemeteries may operate.
  - xiv. Wedding Services. Weddings may be held, but not more than ten persons may be present at any one time. Social Distancing is required. Weddings may not be held inside a City building.
  - xv. Worship Services. Religious services conducted in churches, congregations, and houses of worship are permitted if they cannot be conducted from home or through remote services, so long as Social Distancing is maintained, and existing guidelines set forth by the Centers for Disease Control and Prevention (CDC) are followed. Religious services held outdoors whereby individuals remain in their vehicles are strongly encouraged. Order GA-14 orders that religious services “should be conducted consistent with the Guidelines from the President and the CDC...”<sup>3</sup>
  - xvi. Moving Services and Supply. Businesses that provide residential and/or commercial moving services and necessary moving supplies.
- e. Essential Travel. For the purposes of this Executive Order, Essential Travel includes travel for any of the following purposes.
- i. Any travel related to the provision of or access to Essential Activities, Essential

- Governmental Functions, and Essential Businesses, Essential Critical Infrastructure, Minimum Basic Operation;
- ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons;
  - iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services;
  - iv. Travel to return to a place of residence from outside the jurisdiction;
  - v. Travel required by law enforcement or court order;
  - vi. Travel by church staff or clergy for the purpose of production of remote delivery of religious services and other ministries requiring travel;
  - vii. Travel related to attending a funeral service; or
  - viii. Travel required for non-residents to return to their place of residence outside the City. Individuals are strongly encouraged to verify that their transportation out of the City remains available and functional prior to commencing such travel.
- f. Essential Services. Essential Services means services, by whomsoever rendered, and whether rendered to the government or to any other person, the interruption of which would endanger life, health or personal safety of the whole or part of the population
14. This Executive Order does not restrict business operations delivering Essential Services, pursuant to Attorney General Ken Paxton's Opinion No. KP-0296 and CISA.
  15. That any certified 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.
  16. That this Executive Order incorporates the attached table, Disaster Restrictions, as if set forth verbatim herein.
  17. 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 of 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.
  18. This Executive Order is issued in accordance with and incorporates by reference any declaration of disaster previously issued and adopted by the City of Bedford. In the event of a conflict between this Executive Order and a prior declaration or order pertaining to COVID-19, this Executive Order prevails.
  19. This Executive Order shall take effect at 12:01 a.m. on the 8th day of April 2020 and shall remain in effect until April 30, 2020, unless terminated or modified by a subsequent Order.

**ORDERED** this the 7th day of April 2020.

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Michael Boyter, Mayor

3 Texas Attorney General's Guidance for Houses of Worship During the COVID-19 Crisis "...guidance from the CDC currently recommends that if a community is experiencing substantial community spread of COVID-19, then the houses of worship in that community should cancel all in-person gatherings of any size. But if a community is experiencing moderate to substantial spread, then the CDC recommends a reduction of activities in coordination with local health officials, possible smaller gatherings incorporating social-distancing measures, cancelation of activities with 10 or more people when high-risk populations attend in person (including those over 65 and those with underlying medical conditions) and use of creative means to deliver faith-based services. For more information, houses of worship should consult CDC guidance: <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/guidance-community-faith-organizations.html>."

For updates about the level of community spread, see [CoronaVirus.TarrantCounty.com](https://www.tarrantcounty.com)

**Disaster Restrictions**  
**Executive Order Issued April 7, 2020**

Locations / Activities	Restrictions
Persons residing in the City of Bedford	<ul style="list-style-type: none"> <li>● Stay at place of residence</li> <li>● Practice Social Distancing</li> <li>● Leave residence only for Essential Activities, or to work at Essential Businesses, Essential Travel, Essential Governmental Services, Essential Critical Infrastructure, or to perform Minimum Basic Operations</li> <li>● Comply with Guidelines from the President and the CDC</li> </ul>
All businesses except Essential Businesses	No public occupancy permitted Minimum Basic Operations allowed Social Distancing required Minimum number of employees Minimize in-person contact
Public or Private Gatherings occurring outside a single household or living unit	Prohibited, with limited exception
Food Establishments Including those at schools, hotels, motels Excluding those at hospitals	In-house dining - no public occupancy Drive-in, drive-through, take out, and delivery is permitted. Social distancing is required
Worship Services	As of April 3, 2020, the Tarrant County public health officer identifies substantial community spread/transmission; therefore, all in-person gatherings of any size are prohibited.
Elective medical, surgical, and dental procedures	Prohibited, with limited exception
Nursing homes, retirement, and long-term care facilities	Prohibit non-essential visitors unless to provide critical assistance or for end-of-life visitation
<u>Essential Travel, summary:</u> Allowed to carry out activities specifically permitted in this Executive Order.	Individuals may leave shelter to perform Essential Activities Must practice Social Distancing

Essential Businesses, summary:

those listed on CISA

hospitals clinics

doctors

dentists

pharmacies

pharmaceutical and biotechnology

companies, other healthcare facilities

healthcare suppliers

mental health providers

substance abuse service providers

blood banks

medical research

laboratory services

home-based and residential-based care for seniors, adults, or children

veterinary care

all services to provide for the health, safety and welfare of the public

food service providers

food cultivation- farming, fishing, livestock

delivery and shipping not open to the public,

essential critical infrastructure

laundromats, dry cleaners, laundry service

gas stations

auto-supply & repair, bicycle repair

hardware stores

businesses that supply products needed for people to work from home

social services, charitable organizations

trash and recycling collection, processing and disposal

mail and shipping services

building cleaning, maintenance

security services

warehouse/distribution and fulfillment

storage for essential businesses

funeral homes, crematoriums, cemeteries

weddings

plumbers

electricians

pool service, yard maintenance, landscaping

exterminators

legal or accounting

news media

financial institutions

real estate transactions

childcare services

businesses that maintain live animals

construction

moving services and supply

Allowed to remain open

Social Distancing required

Essential Businesses providing essential infrastructure should implement screening precautions to protect employees and all activity shall be performed in compliance with Social Distancing and compliance with the Guidelines from the President and the CDC.

<p><u>Essential Critical Infrastructure, summary:</u></p>	
<p>Work necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) including public works construction, residential and commercial construction, airport operations, 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), financial institutions, defense and national security-related operations, essential manufacturing operations</p>	
<p><u>Minimum Basic Operations</u></p> <ul style="list-style-type: none"> <li>- operations necessary to maintain security, upkeep, and maintenance of premises, equipment or inventory, including but not limited to the care and maintenance of livestock or animals;</li> <li>- IT or other operations that facilitate employees working from home;</li> <li>- Teleworking is required, if possible</li> <li>- Facilitate online or call-in sales or in-store repair services;</li> <li>- in-person contact of any kind between people who are not in the same household must be minimized.</li> </ul>	<p>Operations allowed for non-essential businesses</p> <p>Social Distancing required</p> <p>Number of employees are kept to a minimum</p> <p>Minimize in-person contact with people who are not in the same household</p>
<p><u>Essential Services:</u></p> <ul style="list-style-type: none"> <li>- Business operations the interruption of which would endanger life, health or personal safety of the whole or part of the population.</li> </ul>	<p>Allowed to remain open</p> <p>Business operations providing Essential Services should implement screening precautions to protect employees and all activity shall be performed in compliance with Social Distancing and in compliance with the Guidelines of the President and CDC.</p>



## CITY OF BEDFORD

### EXECUTIVE ORDER OF MAYOR MICHAEL BOYTER

**WHEREAS**, pursuant to Texas Government Code § 418.108, City of Bedford Mayor Michael Boyter issued a Declaration of Local Disaster due to Public Health Emergency on March 19, 2020 due to imminent threat of widespread illness from COVID-19; and

**WHEREAS**, the City of Bedford Mayor has determined that extraordinary measures must be taken to mitigate the effects of this public health emergency and to facilitate the efficient, rapid, and cooperative response to the emergency; 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 31, 2020 and to harmonize to the extent possible, the executive orders of Governor Greg Abbott, the Tarrant County Judge, the City of Bedford Mayor and the mandates contained in the declarations of the Mayors of the Cities of Fort Worth, Arlington and the other cities of Tarrant County, the City of Bedford Mayor issues this Executive Order.

**THEREFORE**, Pursuant to Texas Government Code Chapter 418, Be It Proclaimed and **ORDERED** by the City of Bedford Mayor:

1. That a state of disaster and public health emergency is hereby declared for the City of Bedford, pursuant to § 418.108(a) of the Texas Government Code.
2. That this Executive Order ~~of a local state of disaster and public health emergency~~ shall be given prompt and general publicity and shall be filed promptly with the City of Bedford City Secretary, pursuant to § 418.108(c) of the Texas Government Code.
3. That the City of Bedford Emergency Operations Plan is activated and implemented, pursuant to § 418.108(d) of the Texas Government Code.
4. That this Executive Order authorizes the City of Bedford to take any actions necessary to promote health and suppress disease, including quarantine, evacuation, regulating ingress and egress from a disaster area and controlling the movement of persons and the occupancy of premises, pursuant to § 418.108(f), (g) of the Texas Government Code.
5. All persons currently residing within the City of Bedford shall stay at their place of residence, except as allowed by this Order. All persons may leave their residences only for Essential Travel, Essential Services, and Essential Activities, to work in or access Essential Businesses, Government Service, or Essential Critical Infrastructure, or to perform Minimum Basic Operations, as defined below.

To the extent individuals are using shared or outdoor spaces, they must maintain Social Distancing and minimize in-person contact with people who are not in the same household.

~~To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably as possible maintain Social Distancing, defined below.~~

Nothing in this Executive Order is intended to restrict "essential services" as such term is defined in Governor Abbott's Executive Order GA-14 (Order GA-14), nor is it intended to allow gatherings prohibited

by Order GA-14. To the extent that the Texas Division of Emergency Management approves additions to "essential services", those additions will be treated as an Essential Business in the City of Bedford. Nothing herein is intended to impose restrictions inconsistent with Order GA-14 or any other order issued by the Governor currently in effect relating to COVID-19 (a COVID Order). To the extent that this Executive Order conflicts with a COVID Order, the provisions in a COVID Order prevail.1

- ~~6.~~ All businesses operating in the City of Bedford, except Essential Businesses as defined herein, shall not allow members of the public to occupy business premises. Non-essential businesses may continue Minimum Basic Operations, as outlined below, so long as the businesses strictly adhere to the following: (1) minimize in-person contact with people who are not in the same household; (2) maintain Social Distancing; (3) utilize remote teleworking to the greatest extent possible; and (4) minimize the number of employees needed to operate at a basic level. ~~All businesses operating in the City of Bedford, except Essential Businesses as defined below, are required to close to the public. Non-essential businesses may continue Minimum Basic Operations consisting exclusively of the following as long as Social Distancing is maintained between all employees and contractors during the activities:~~

Minimum Basic Operations allows the minimum necessary activities to:

- a. Maintain the value of the business's inventory or equipment, process payroll and employee benefits, maintain the premises and the security of the premises, equipment or inventory, including the care and maintenance of livestock or animals;
- b. IT or other operations that facilitate employees working from home; and
- c. Facilitate online or call-in sales; and/or perform in-store repair services.

~~6.~~

- ~~a. Operations necessary to maintain security, upkeep, and maintenance of premises, equipment or inventory, including but not limited to the care and maintenance of livestock or animals;~~
- ~~b. IT or other operations that facilitate employees working from home;~~
- ~~c. Facilitate online or call-in sales performed by employees in a store or facility closed to the public;~~
- ~~d. In-store repair services performed by employees in a store or facility closed to the public.~~

7. It is ordered that a restaurant with or without drive-in or drive-through services; drive-in restaurant; drive-through restaurant; ~~liquor stores~~; or microbrewery, micro-distillery, or winery may only provide take out, delivery, curbside pickup or drive-in or drive-through services as allowed by law. Social Distancing is required.
8. All public or private gatherings of any number of people occurring outside a single household or living unit are prohibited, except as otherwise provided herein. Nothing in this Executive Order prohibits the gathering of members of a household or living unit nor does it prohibit any gathering expressly permitted by Order GA-14.
9. All elective medical, surgical, and dental procedures are prohibited anywhere in the City of Bedford. All licensed health care professionals shall postpone all surgeries and procedures that are not immediately medically necessary to correct a serious medical condition of, or to preserve the life of, a patient who without immediate performance of the surgery or procedure would be at risk for serious adverse medical consequences or death as determined by the patient's physician. Provided, however, that this prohibition shall not apply to any procedure that, if performed in accordance with the commonly accepted standard of clinical practice, would not deplete the hospital capacity or the personal protective equipment needed to cope with the COVID-19 disaster.2 ~~Hospitals, ambulatory surgery centers, dental offices, and other medical facilities are directed to identify procedures that are deemed "elective" by assessing which procedures can be postponed or cancelled based on patient risk considering the emergency need for redirection of resources to COVID-19 response.~~
10. If someone in a household has tested positive for COVID-19, the household is ordered to isolate at home. Members of the household cannot go to work, school, or any other community function until cleared by a medical professional but may seek medical services as needed from medical personnel and facilities.
11. Nursing homes, retirement homes, and long-term care facilities are to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.

<sup>1</sup> All questions relating to a COVID Order shall be directed to the Texas Division of Emergency Management via email at EssentialServices@tdem.texas.gov. Information is also available at www.tdem.texasa.gov/essentialservices.

<sup>2</sup> Texas Medical Board, 22 TAC § 187.57 (c) (1), (2).

12. Individuals experiencing homelessness are strongly urged to obtain shelter and maintain ~~social~~ Social distancing ~~Distancing of 6 feet~~ when feasible. If a homeless person is sheltered and exhibits symptoms or is diagnosed, the shelter's isolation center shall be deemed the residence of the homeless person solely for the purpose of complying with the requirements of this Executive Order. Medical personnel shall make the decision whether any other shelter residents shall be required to isolate based on potential exposure. Available shelters, to the maximum extent practicable, must use COVID-19 risk mitigation practices in their operations.

~~13. That no person shall sell any of the following goods or services for more than the price the person charged for the goods or services on March 16, 2020 and continuing during the pendency of this Executive Order:~~

- ~~a. groceries, beverages, toilet articles, ice;~~
- ~~b. restaurant, cafeteria, and boarding house meals; and~~
- ~~c. medicine, pharmaceutical and medical equipment and supplies.~~

~~14-13.~~ Definitions:

- a. Social Distancing means maintaining at least 6 feet distance from other individuals, frequently washing hands with soap and water for at least 20 seconds, using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not the hands), regularly disinfecting high touch surfaces, and not shaking hands.
- b. Minimum Basic Operations ~~include the following, provided the businesses strictly adhere to the following: (1) minimize in-person contact with people who are not in the same household; (2) maintain Social Distancing; (3) utilize remote teleworking to the greatest extent possible; and (4) minimize the number of employees needed to operate at a basic level.~~ ~~include the following, provided that employees comply with Social Distancing:~~

Minimum Basic Operations allows the minimum necessary activities to:

- Maintain the value of the business's inventory or equipment, process payroll and employee benefits, maintain the premises and the security of the premises, equipment or inventory, including the care and maintenance of livestock or animals;
- IT or other operations that facilitate employees working from home; and
- Facilitate online or call-in sales; and/or perform in-store repair services.
- ~~i. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions.~~
- ~~ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.~~

- c. Essential Activities includes any of the following:
  - i. 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 medical supplies or medication, visiting a health care professional, or obtaining supplies need to work from home).
  - ii. 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 and livestock supplies, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences). It is strongly recommended that households, to the greatest extent possible, send only one person to businesses for the purpose of picking up food or other essential items.
  - iii. To engage in outdoor activity, provided the individuals comply with ~~social~~ Social distancing ~~Distancing requirements of 6 feet~~ (for example, walking, biking, hiking, golfing, or running).
  - iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Executive Order.
  - v. To care for a family member or pet in another household.

d. Essential Businesses means:

- i. Essential Health Care Services. Healthcare operations, including hospitals, clinics,

doctors, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, substance abuse providers, blood banks, medical research, or any related and/or ancillary healthcare services, veterinary care provided to animals. Home-based care for seniors, adults, or children. Residential facilities and shelters for seniors, adults, and children. Healthcare operations do not include fitness and exercise gyms and similar facilities. Healthcare operations do not include elective medical, surgical, and dental procedures as established in accordance with this Executive Order.

- ii. Essential Government Functions. All services provided by local, state and federal governments needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public. All Essential Government Functions shall be performed in compliance with ~~social~~ Social distancing Distancing requirements of 6 feet, to the extent possible.
- iii. Essential Critical Infrastructure Pursuant to Governor Abbott's Executive Order GA-14, everything listed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0. Work necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) including public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation and other transportation network companies, and ride-sharing services that provide transportation services necessary for the performance of essential activities, essential businesses, essential infrastructure, and essential government function, 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), financial institutions, defense and national security-related operations, essential manufacturing operations.
- iv. Essential Retail. Food service providers, including grocery stores, warehouse stores, liquor stores, bodegas, gas stations, convenience stores, and farmers' markets and other retail stores that sell food products and household staples, pet and feed stores. Businesses not open to the public that ship or deliver groceries, food, goods or services directly to residences. Restaurants and other facilities that prepare and serve food, but only for delivery, take out, drive-in, drive-through, curb side pickup, or carry out. Schools and other entities that typically provide free services to students or members of the public on a pick-up and take-away basis only. The restriction of delivery or carry out does not apply to cafes and restaurants located within hospital and medical facilities. Laundromats, dry cleaners, and laundry service providers. Businesses that provide for the delivery of, or preparation of vehicles. Businesses that supply products needed for people to work from home, including businesses providing mail and shipping and post office box. Businesses that supply products necessary for essential repairs and maintenance of a home or business. Hotel, motels, and shared rental units, except that all bars, cafes, or restaurants in hotels, motels, and shared rental units are closed except for pick-up and room service.
- v. Providers of Basic Necessities to Economically Disadvantaged Populations. Social services and charitable organizations that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals; that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise vulnerable individuals.
- vi. Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses. Trash and recycling collection, processing and disposal, mail and shipping services, building cleaning and maintenance, auto repair, warehouse/distribution and fulfillment, and storage for essential businesses. Plumbers, pool services, yard maintenance and landscapers, security services, 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 Essential Businesses. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities.

- vii. News Media. Newspapers, television, radio, and other media services.
- viii. Financial Institutions. Banks and related financial institutions, consumer lenders, alternative financial services companies, sales and finance lenders, credit unions, appraisers, and title companies. As much business as possible shall be conducted with web-based technology to limit in-person contact.
- ix. Real Estate Transactions: Services related to current real estate transactions. As much business as possible shall be conducted with web-based technology to limit in-person contact.
- x. Childcare Services. Childcare facilities providing services that enable employees who perform Essential Activities or work for an Essential Business to work as permitted.
- xi. Animal Shelters, Zoos, and Other Businesses that Maintain Live Animals. Businesses that maintain and care for live animals are not permitted to allow any visitors or patrons but may continue to operate to the extent necessary to provide the necessary care for the animals. Nothing in this section shall prohibit a non-employee from entering the premises to perform a health care services or another Essential Business service.
- xii. Construction. Construction under a valid permit issued by a governmental entity.
- xiii. Funeral Services. Funeral homes, crematoriums and cemeteries may operate, ~~but no more than ten non-employees may be present at the same time.~~
- xiv. Wedding Services. Weddings may be held, but not more than ten persons may be present at any one time. Social ~~distancing~~ Distancing is required. Weddings may not be held inside a City building.
- xv. Worship Services. ~~Religious services conducted in churches, congregations, and houses of worship are permitted if they cannot be conducted from home or through remote services, so long as Social Distancing is maintained, and existing guidelines set forth by the Centers for Disease Control and Prevention (CDC) are followed. Religious services held outdoors whereby individuals remain in their vehicles are strongly encouraged. No in-person worship services are permitted. Needed staff can attend to produce audio/video or conduct services for transmission.~~ Order GA-14 orders that religious services "should be conducted consistent with the Guidelines from the President and the CDC..."<sup>3</sup>
- xvi. Moving Services and Supply. Businesses that provide residential and/or commercial moving services and necessary moving supplies.

<sup>3</sup> [Texas Attorney General's Guidance for Houses of Worship During the COVID-19 Crisis "...guidance from the CDC currently recommends that if a community is experiencing substantial community spread of COVID-19, then the houses of worship in that community should cancel all in-person gatherings of any size. But if a community is experiencing moderate to substantial spread, then the CDC recommends a reduction of activities in coordination with local health officials, possible smaller gatherings incorporating social-distancing measures, cancelation of activities with 10 or more people when high-risk populations attend in person \(including those over 65 and those with underlying medical conditions\) and use of creative means to deliver faith-based services. For more information, houses of worship should consult CDC guidance: https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/guidance-community-faith-organizations.html."](https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/guidance-community-faith-organizations.html)

For updates about the level of community spread, see [CoronaVirus.TarrantCounty.com](https://CoronaVirus.TarrantCounty.com)

- e. Essential Travel. For the purposes of this Executive Order, Essential Travel includes travel for any of the following purposes.
- i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, and Essential Businesses, Essential Critical Infrastructure, Minimum Basic Operation;
  - ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons;
  - iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services;
  - iv. Travel to return to a place of residence from outside the jurisdiction;
  - v. Travel required by law enforcement or court order;
  - vi. Travel by church staff or clergy for the purpose of production of remote delivery of religious services and other ministries requiring travel;
  - vii. Travel related to attending a funeral service; or
  - viii. Travel required for non-residents to return to their place of residence outside the ~~County~~City. Individuals are strongly encouraged to verify that their transportation out of the ~~County~~City remains available and functional prior to commencing such travel.

f. Essential Services. Essential Services means services, by whomsoever rendered, and whether rendered to the government or to any other person, the interruption of which would endanger life, health or personal safety of the whole or part of the population

14. This Executive Order does not restrict business operations delivering Essential Services, pursuant to Attorney General Ken Paxton's Opinion No. KP-0296 and CISA.

15. That any certified 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.
16. That this Executive Order incorporates the attached table, Disaster Restrictions, as if set forth verbatim herein.
17. 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 of 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.
18. This Executive Order is issued in accordance with and incorporates by reference any declaration of disaster previously issued and adopted by the City of Bedford. In the event of a conflict between this Executive Order and a prior declaration or order pertaining to COVID-19, this Executive Order prevails.
19. This Executive Order shall take effect at ~~4:59:12:01 p.m.~~12:01 p.m. on the ~~25th~~8th day of ~~March~~April 2020 and shall remain in effect until April ~~7~~30, 2020, unless terminated or modified by a subsequent Order.

**ORDERED** this the ~~25th~~7th day of ~~March~~April 2020.

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Michael Boyter, Mayor

**Disaster Restrictions**  
**Executive Order Issued ~~March 25~~April**  
**~~7~~, 2020**

Locations / Activities	Restrictions
Persons residing in the City of Bedford	<ul style="list-style-type: none"> <li>● Stay at place of residence</li> <li>● Practice <del>social</del><u>Social distancing</u><u>Distancing</u></li> <li>● Leave residence <u>only</u> for Essential Activities, or to work at Essential Businesses, <u>Essential Travel</u>, Essential Governmental Services, Essential Critical Infrastructure, or to perform Minimum Basic Operations</li> <li>● <u>Comply with Guidelines from the President and the CDC</u></li> </ul>
All businesses except Essential Businesses	No public occupancy permitted Minimum Basic Operations allowed Social Distancing required <u>Minimum number of employees</u> <u>Minimize in-person contact</u>
Public or Private Gatherings occurring outside a single household <u>or living unit</u>	Prohibited, <u>with limited exception</u>
Food Establishments Including those at schools, hotels, motels Excluding those at hospitals	In-house dining - no public occupancy Drive-in, drive-through, take out, and delivery is permitted. Social distancing is required
Worship Services	<u>As of April 3, 2020, the Tarrant County public health officer identifies substantial community spread/transmission; therefore, all in-person gatherings of any size are prohibited.</u>  <del>Closed for in-person services, provided that staff can attend to produce audio/video services</del> <u>Social Distancing required</u>
Elective medical, surgical, and dental procedures	Prohibited, <u>with limited exception</u>
<del>Price Gouging</del>	Prohibited

Nursing homes, retirement, and long-term care facilities	Prohibit non-essential visitors unless to provide critical assistance or for end-of-life visitation
<u>Essential Travel, summary:</u> Allowed to carry out activities specifically permitted in this Executive Order.	Individuals may leave shelter to perform Essential Activities Must practice <del>social</del> <u>Social distancing</u>

DRAFT



## TARRANT COUNTY

### EXECUTIVE ORDER OF COUNTY JUDGE B. GLEN WHITLEY

(Amended by Commissioners Court action on March 24, 2020)

(Modified by the County Judge on March 27, 2020)

(Modified by the County Judge on April 3, 2020)

**WHEREAS**, pursuant to Texas Government Code § 418.108, Tarrant County Judge B. Glen Whitley issued a Declaration of Local Disaster due to Public Health Emergency on March 13, 2020 due to imminent threat of widespread illness from COVID-19; and

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

**WHEREAS**, the County Judge issued a Declaration of Local Disaster due to Public Health Emergency on March 13, 2020 and the County Commissioners issued a Renewal of Declaration of Local Disaster due to Public Health Emergency on March 17, 2020, and on March 18, 2020, the County Judge issued a First Amended Declaration of Local Disaster due to Public Health Emergency. The County Judge issued a Second Amended Declaration of Local Disaster due to Public Health Emergency to implement additional measures to ensure the protection of the residents of Tarrant County on March 21, 2020. County Commissioners issued a Renewal of Second Amended Declaration of Local Disaster due to Public Health Emergency on March 24, 2020.

**WHEREAS**, to remain consistent with the declaration of the Texas Department of State Health Services and the executive orders issued by Governor Greg Abbott and to harmonize to the extent possible, the executive orders of Governor Greg Abbott, the Tarrant County Judge and the mandates contained in the declarations of the Mayors of the Cities of Fort Worth, Arlington and the other cities of Tarrant County, the County Judge issues this Executive Order.

**THEREFORE**, Pursuant to Texas Government Code Chapter 418, Be It Proclaimed and **ORDERED** by the County Judge that:

1. That a state of disaster and public health emergency has been declared for Tarrant County, pursuant to § 418.108(a) of the Texas Government Code.
2. That this Executive Order shall be given prompt and general publicity and shall be filed promptly with the County Clerk, pursuant to § 418.108(c) of the Texas Government Code.
3. That the Tarrant County Emergency Operations Plan has been activated and implemented, pursuant to § 418.108(d) of the Texas Government Code.
4. That this Executive Order authorizes the County to take any actions necessary to promote health and suppress disease, including quarantine, evacuation, regulating ingress and egress from a disaster area and controlling the movement of persons and the occupancy of premises, pursuant to § 418.108(f), (g) of the Texas Government Code.

5. All persons currently residing within the incorporated and unincorporated territory of Tarrant County shall stay at their place of residence, except as allowed by this Order. All persons may leave their residences only for Essential Travel, Essential Services, and Essential Activities, to work in or access Essential Businesses, Government Service, or Essential Critical Infrastructure, or to perform Minimum Basic Operations, as defined below.

To the extent individuals are using shared or outdoor spaces, they must maintain Social Distancing and minimize in-person contact with people who are not in the same household.

Nothing in this Executive Order is intended to restrict “essential services” as such term is defined in Governor Abbott’s Executive Order GA-14 (Order GA-14), nor is it intended to allow gatherings prohibited by Order GA-14. To the extent that the Texas Division of Emergency Management approves additions to “essential services”, those additions will be treated as an Essential Business in Tarrant County. Nothing herein is intended to impose restrictions inconsistent with Order GA-14 or any other order issued by the Governor currently in effect relating to COVID-19 (a COVID Order). To the extent that this Executive Order conflicts with a COVID Order, the provisions in a COVID Order prevail.<sup>1</sup>

6. All businesses operating in Tarrant County, except Essential Businesses as defined herein, shall not allow members of the public to occupy business premises. Non-essential businesses may continue Minimum Basic Operations, as outlined below, so long as the businesses strictly adhere to the following: (1) minimize in-person contact with people who are not in the same household; (2) maintain Social Distancing; (3) utilize remote teleworking to the greatest extent possible; and (4) minimize the number of employees needed to operate at a basic level.

Minimum Basic Operations allows the minimum necessary activities to:

- a. Maintain the value of the business’s inventory or equipment, process payroll and employee benefits, maintain the premises and the security of the premises, equipment or inventory, including the care and maintenance of livestock or animals;
  - b. IT or other operations that facilitate employees working from home; and
  - c. Facilitate online or call-in sales; and/or perform in-store repair services.
7. It is ordered that a restaurant with or without drive-in or drive-through services; drive-in restaurant; drive-through restaurant; or microbrewery, micro-distillery, or winery may only provide take out, delivery, curbside pickup or drive-in or drive-through services as allowed by law. Social Distancing is required.
  8. All public or private gatherings of any number of people occurring outside a single household or living unit are prohibited, except as otherwise provided herein. Nothing in this Executive Order prohibits the gathering of members of a household or living unit nor does it prohibit any gathering expressly permitted by Order GA-14.
  9. All elective medical, surgical, and dental procedures are prohibited anywhere in Tarrant County. All licensed health care professionals shall postpone all surgeries and procedures that are not immediately medically necessary to correct a serious medical condition of, or to preserve the life of, a patient who without immediate performance of the surgery or procedure would be at risk for serious adverse medical consequences or death as determined by the patient’s physician. Provided, however, that this prohibition shall not apply to any procedure that, if performed in accordance with the commonly accepted standard of clinical practice, would not deplete the hospital capacity or the personal protective equipment needed to cope with the COVID-19 disaster.<sup>2</sup>

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<sup>1</sup> All questions relating to a COVID Order shall be directed to the Texas Division of Emergency Management via email at [EssentialServices@tdem.texas.gov](mailto:EssentialServices@tdem.texas.gov). Information is also available at [www.tdem.texas.gov/essentialservices](http://www.tdem.texas.gov/essentialservices).

<sup>2</sup> Texas Medical Board, 22 TAC § 187.57 (c) (1), (2).

10. If someone in a household has tested positive for COVID-19, the household is ordered to isolate at home. Members of the household cannot go to work, school, or any other community function until cleared by a medical professional but may seek medical services as needed from medical personnel and facilities.
11. Nursing homes, retirement, and long-term care facilities are to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.
12. Individuals experiencing homelessness are strongly urged to obtain shelter and maintain Social Distancing when feasible. If a homeless person is sheltered and exhibits symptoms or is diagnosed, the shelter's isolation center shall be deemed the residence of the homeless person solely for the purpose of complying with the requirements of this Executive Order. Medical personnel shall make the decision whether any other shelter residents shall be required to isolate based on potential exposure. Available shelters, to the maximum extent practicable, must use COVID-19 risk mitigation practices in their operations.

13. Definitions:

- a. Social Distancing means maintaining at least 6 feet distance from other individuals, frequently washing hands with soap and water for at least 20 seconds, using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not the hands), regularly disinfecting high touch surfaces, and not shaking hands.
- b. Minimum Basic Operations include the following, provided the businesses strictly adhere to the following: (1) minimize in-person contact with people who are not in the same household; (2) maintain Social Distancing; (3) utilize remote teleworking to the greatest extent possible; and (4) minimize the number of employees needed to operate at a basic level.

Minimum Basic Operations allows the minimum necessary activities to:

- Maintain the value of the business's inventory or equipment, process payroll and employee benefits, maintain the premises and the security of the premises, equipment or inventory, including the care and maintenance of livestock or animals;
  - IT or other operations that facilitate employees working from home; and
  - Facilitate online or call-in sales; and/or perform in-store repair services.
- c. Essential Activities includes any of the following:
    - i. 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 medical supplies or medication, visiting a health care professional, or obtaining supplies need to work from home).
    - ii. 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 and livestock supplies, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences). It is strongly recommended that households, to the greatest extent possible, send only one person to businesses for the purpose of picking up food or other essential items.
    - iii. To engage in outdoor activity, provided the individuals comply with Social Distancing (for example, walking, biking, hiking, golfing, or running).
    - iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Executive Order.
    - v. To care for a family member or pet in another household.
  - d. Essential Businesses:
    - i. Essential Health Care Services. Healthcare operations, including hospitals, clinics, doctors, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers,

mental health providers, substance abuse providers, blood banks, medical research, or any related and/or ancillary healthcare services, veterinary care provided to animals. Home-based care for seniors, adults, or children. Residential facilities and shelters for seniors, adults, and children. Healthcare operations do not include fitness and exercise gyms and similar facilities. Healthcare operations do not include elective medical, surgical, and dental procedures as established in accordance with this Executive Order.

- ii. Essential Government Functions. All services provided by local, state and federal governments needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public. All Essential Government Functions shall be performed in compliance with Social Distancing, to the extent possible.
- iii. Essential Critical Infrastructure. Pursuant to Governor Abbott's Executive Order GA-14, everything listed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0.
- iv. Essential Retail. Food service providers, including grocery stores, warehouse stores, liquor stores, bodegas, gas stations, convenience stores, and farmers' markets and other retail stores that sell food products and household staples, pet and feed stores. Businesses not open to the public that ship or deliver groceries, food, goods or services directly to residences. Restaurants and other facilities that prepare and serve food, but only for delivery, take out, drive-in, drive-through, curb side pickup, or carry out. Schools and other entities that typically provide free services to students or members of the public on a pick-up and take-away basis only. The restriction of delivery or carry out does not apply to cafes and restaurants located within hospital and medical facilities. Laundromats, dry cleaners, and laundry service providers. Businesses that provide for the delivery of, or preparation of vehicles. Businesses that supply products needed for people to work from home, including businesses providing mail and shipping and post office box. Businesses that supply products necessary for essential repairs and maintenance of a home or business. Hotel, motels, and shared rental units, except that all bars, cafes, or restaurants in hotels, motels, and shared rental units are closed except for pick-up and room service.
- v. Providers of Basic Necessities to Economically Disadvantaged Populations. Social services and charitable organizations that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals; that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise vulnerable individuals.
- vi. Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses. Trash and recycling collection, processing and disposal, mail and shipping services, building cleaning and maintenance, auto repair, warehouse/distribution and fulfillment, and storage for essential businesses. Plumbers, pool services, yard maintenance and landscapers, security services, 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 Essential Businesses. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities.
- vii. News Media. Newspapers, television, radio, and other media services.
- viii. Financial Institutions. Banks and related financial institutions, consumer lenders, alternative financial services companies, sales and finance lenders, credit unions, appraisers, and title companies. As much business as possible shall be conducted with web-based technology to limit in-person contact.

- ix. Real Estate Transactions: Services related to current real estate transactions. As much business as possible shall be conducted with web-based technology to limit in-person contact.
- x. Childcare Services. Childcare facilities providing services that enable employees who perform Essential Activities or work for an Essential Business to work as permitted.
- xi. Animal Shelters, Zoos, and Other Businesses that Maintain Live Animals. Businesses that maintain and care for live animals are not permitted to allow any visitors or patrons but may continue to operate to the extent necessary to provide the necessary care for the animals. Nothing in this section shall prohibit a non-employee from entering the premises to perform a health care services or another Essential Business service.
- xii. Construction. Construction under a valid permit issued by a governmental entity.
- xiii. Funeral Services. Funeral homes, crematoriums and cemeteries may operate.
- xiv. Wedding Services. Weddings may be held, but not more than ten persons may be present at any one time. Social Distancing is required. Weddings may not be held inside a County building.
- xv. Worship Services. Religious services conducted in churches, congregations, and houses of worship are permitted if they cannot be conducted from home or through remote services, so long as Social Distancing is maintained, and existing guidelines set forth by the Centers for Disease Control and Prevention (CDC) are followed. Religious services held outdoors whereby individuals remain in their vehicles are strongly encouraged.  
Order GA-14 orders that religious services "should be conducted consistent with the Guidelines from the President and the CDC..."<sup>3</sup>
- xvi. Moving Services and Supply. Businesses that provide residential and/or commercial moving services and necessary moving supplies.
- e. Essential Travel. For the purposes of this Executive Order, Essential Travel includes travel for any of the following purposes.
  - i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, and Essential Businesses Essential Critical Infrastructure, Minimum Basic Operation;
  - ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons;
  - iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services;
  - iv. Travel to return to a place of residence from outside the jurisdiction;
  - v. Travel required by law enforcement or court order;
  - vi. Travel by church staff or clergy for the purpose of production of remote delivery of religious services and other ministries requiring travel;
  - vii. Travel related to attending a funeral service; or
  - viii. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.

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<sup>3</sup> Texas Attorney General's Guidance for Houses of Worship During the COVID-19 Crisis "...guidance from the CDC currently recommends that if a community is experiencing substantial community spread of COVID-19, then the houses of worship in that community should cancel all in-person gatherings of any size. But if a community is experiencing moderate to substantial spread, then the CDC recommends a reduction of activities in coordination with local health officials, possible smaller gatherings incorporating social-distancing measures, cancelation of activities with 10 or more people when high-risk populations attend in person (including those over 65 and those with underlying medical conditions) and use of creative means to deliver faith-based services. For more information, houses of worship should consult CDC guidance: <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/guidance-community-faith-organizations.html>."

- f. Essential Services. Essential Services means services, by whomsoever rendered, and whether rendered to the government or to any other person, the interruption of which would endanger life, health or personal safety of the whole or part of the population.
14. This Executive Order does not restrict business operations delivering Essential Services, pursuant to Attorney General Ken Paxton's Opinion No. KP-0296 and CISA.
15. That any certified 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.
16. That this Executive Order incorporates the attached table, Disaster Restrictions, as if set forth verbatim herein.
17. 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 of 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.
18. This Executive Order is issued in accordance with and incorporates by reference any declaration of disaster previously issued and adopted by Tarrant County. In the event of a conflict between this Executive Order and a prior declaration or order pertaining to COVID -19, this Executive Order prevails.
19. This Executive Order shall take effect at 12:01 a.m. on April 4, 2020, and shall remain in effect until April 30, 2020, unless terminated or modified by a subsequent Order.

**ORDERED** this the 3<sup>rd</sup> day of April 2020.

  
\_\_\_\_\_  
B. Glen Whitley, County Judge

**Guide to Disaster Restrictions**  
**Executive Order Issued April 3, 2020**

*For additional information, refer to the Executive Order*

Locations / Activities	Restrictions
Persons residing in Tarrant County	<ul style="list-style-type: none"> <li>• Stay at place of residence</li> <li>• Practice Social Distancing</li> <li>• Leave residence only for Essential Activities, or to work at Essential Businesses, Essential Travel, Essential Governmental Services, Essential Critical Infrastructure, or to perform Minimum Basic Operations</li> <li>• Comply with Guidelines from the President and the CDC</li> </ul>
All businesses except Essential Businesses	No public occupancy permitted Minimum Basic Operations allowed Social Distancing required Minimum number of employees Minimize in-person contact
Public or Private Gatherings occurring outside a single household or living unit	Prohibited, with limited exception
Food Establishments Including those at schools, hotels, motels Excluding those at hospitals	In-house dining/shopping – no public occupancy Drive-in, drive-through, take out, and delivery is permitted. Social Distancing is required
Worship Services	As of April 3, 2020, the Tarrant County public health officer identifies substantial community spread/transmission; therefore, all in-person gatherings of any size are prohibited.
Elective medical, surgical, and dental procedures	Prohibited, with limited exception
Nursing homes, retirement, and long-term care facilities	Prohibit non-essential visitors unless to provide critical assistance or for end-of-life visitation
<u>Essential Travel, summary:</u> Allowed to carry out activities specifically permitted in this Executive Order.	Individuals may leave shelter to perform Essential Activities Must practice Social Distancing

<p><u>Essential Businesses, summary:</u> those listed on CISA hospitals clinics doctors dentists pharmacies pharmaceutical and biotechnology companies, other healthcare facilities healthcare suppliers mental health providers substance abuse service providers blood banks medical research laboratory services home-based and residential-based care for seniors, adults, or children veterinary care food service providers food cultivation- farming, fishing, livestock delivery and shipping not open to the public essential critical infrastructure laundromats, dry cleaners, laundry service gas stations auto-supply &amp; repair, bicycle repair hardware stores businesses that supply products needed for people to work from home social services, charitable organizations trash and recycling collection, processing and disposal mail and shipping services building cleaning, maintenance security services warehouse/distribution and fulfillment storage for essential businesses funeral homes, crematoriums, cemeteries weddings plumbers electricians pool service, yard maintenance, landscaping exterminators legal or accounting news media financial institutions real estate transactions childcare services businesses that maintain live animals construction moving services and supply</p>	<p>Allowed to remain open</p> <p>Social Distancing required</p> <p>Essential Businesses providing essential infrastructure should implement screening precautions to protect employees and all activity shall be performed in compliance with Social Distancing and compliance with the Guidelines from the President and the CDC.</p>
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<p><u>Essential Critical Infrastructure, summary:</u> Work necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) including public works construction, residential and commercial construction, airport operations, 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), financial institutions, defense and national security-related operations, essential manufacturing operations</p>	
<p><u>Minimum Basic Operations:</u> - operations necessary to maintain security, upkeep, and maintenance of premises, equipment or inventory, including but not limited to the care and maintenance of livestock or animals; - IT or other operations that facilitate employees working from home; - Teleworking is required, if possible - Facilitate online or call-in sales or in-store repair services; - in-person contact of any kind between people who are not in the same household must be minimized.</p>	<p>Operations allowed for non-essential businesses</p> <p>Social Distancing required</p> <p>Number of employees are kept to a minimum</p> <p>Minimize in-person contact with people who are not in the same household</p>
<p><u>Essential Services:</u> -Business operations the interruption of which would endanger life, health or personal safety of the whole or part of the population.</p>	<p>Allowed to remain open</p> <p>Business operations providing Essential Services should implement screening precautions to protect employees and all activity shall be performed in compliance with Social Distancing and in compliance with the Guidelines of the President and CDC.</p>

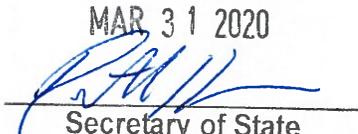


GOVERNOR GREG ABBOTT

March 31, 2020

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2 PM O'CLOCK

MAR 31 2020

  
Secretary of State

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

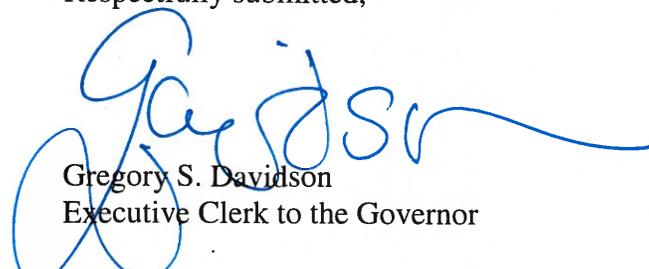
Dear Secretary Hughs:

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

Executive Order No. GA-14 relating to statewide continuity of essential services  
and activities during the COVID-19 disaster.

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

Respectfully submitted,

  
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  
March 31, 2020

## EXECUTIVE ORDER GA 14

*Relating to statewide continuity of essential services and activities  
during the COVID-19 disaster.*

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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, 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

WHEREAS, I have issued numerous executive orders and suspensions of Texas laws in response to the COVID-19 disaster, 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, Executive Order GA-08 is subject to expiration at 11:59 p.m. on April 3, 2020, absent further action by the governor; and

WHEREAS, on March 29, 2020, to avoid scenarios that could lead to hundreds of thousands of deaths, the President announced that, based on advice from Dr. Anthony Fauci and Dr. Deborah Birx, the restrictive social-distancing Guidelines should extend through April 30, 2020; and

WHEREAS, DSHS Commissioner Dr. Hellerstedt and White House Coronavirus Response Coordinator Dr. Birx say that the spread of COVID-19 can be reduced by minimizing social gatherings; and

WHEREAS, on March 28, 2020, the U.S. Department of Homeland Security issued its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0, which provides an advisory list of critical-infrastructure sectors, workers, and functions that should continue during the COVID-19 response; and

WHEREAS, for state agencies and their employees and agents, the Office of the Attorney General of Texas has advised that local restrictions issued in response to the COVID-19 disaster do not apply to restrict the conduct of state business; and

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2 PM O'CLOCK

MAR 31 2020

WHEREAS, all government entities and businesses should be allowed to continue providing essential services during the COVID-19 disaster, and all critical infrastructure should be allowed to remain operational; 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 movement of persons 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 12:01 a.m. on April 2, 2020, and continuing through April 30, 2020, subject to extension based on the status of COVID-19 in Texas and the recommendations of the CDC and the White House Coronavirus Task Force:

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, minimize social gatherings and minimize in-person contact with people who are not in the same household.

“Essential services” shall consist of everything listed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0, 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 in any approved additions. Requests for additions should be directed to TDEM at [EssentialServices@tdem.texas.gov](mailto:EssentialServices@tdem.texas.gov) or by visiting [www.tdem.texas.gov/essentialservices](http://www.tdem.texas.gov/essentialservices).

In providing or obtaining essential services, people and businesses should follow the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, implementing social distancing, and working from home if possible. In particular, all services should be provided through remote telework from

home unless they are essential services that cannot be provided through remote telework. If religious services cannot be conducted from home or through remote services, they should be conducted consistent with the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, and by implementing social distancing to prevent the spread of COVID-19.

In accordance with the Guidelines from the President and the CDC, people shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms, massage establishments, tattoo studios, piercing studios, or cosmetology salons; provided, however, that the use of drive-thru, pickup, or delivery options for food and drinks is allowed and highly encouraged throughout the limited duration of this executive order.

This executive order does not prohibit people from accessing essential services or engaging in essential daily activities, such as going to the grocery store or gas station, providing or obtaining other essential services, visiting parks, hunting or fishing, or engaging in physical activity like jogging or bicycling, 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.

In accordance with the Guidelines from the President and the CDC, schools shall remain temporarily closed to in-person classroom attendance and shall not recommence before May 4, 2020.

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 allowed by this executive order or allows gatherings prohibited by 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-08, but not Executive Orders GA-09, GA-10, GA-11, GA-12, or GA-13, and shall remain in effect and in full force until April 30, 2020, unless it is modified, amended, rescinded, or superseded by the governor.



Given under my hand this the 31st day of  
March, 2020.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2 PM O'CLOCK

MAR 31 2020

ATTESTED BY:

  
\_\_\_\_\_  
RUTH R. HUGHS  
Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2 PM O'CLOCK  
MAR 31 2020



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 27, 2020

The Honorable Dustin Burrows  
Chair, House Ways and Means Committee  
Texas House of Representatives  
Post Office Box 2910  
Austin, Texas 78768-2910

**Opinion No. KP-0296**

Re: Whether sections 229.001 and 236.002 of the Local Government Code prohibit municipal or county officials from restricting the sale of firearms through an emergency declaration (RQ-0341-KP)

Dear Representative Burrows:

You ask whether city or county officials may prohibit the sale of firearms through an emergency declaration that excludes firearms retailers as essential businesses.<sup>1</sup>

Multiple provisions within the Government Code recognize governmental entities in Texas may require additional authority during times of disaster to address emergency situations. *See* TEX. GOV'T CODE §§ 418.001–.261. Relevant here, the Legislature authorized the presiding officer of a governing body of a municipality or county to declare a local state of disaster. *Id.* § 418.108(a); *see id.* § 418.004(6).<sup>2</sup> Once a local state of disaster has been declared, the “county judge or the mayor of a municipality may control ingress to and egress from a disaster area under the jurisdiction and authority of the county judge or mayor and control the movement of persons and the occupancy of premises in that area.” *Id.* § 418.108(g). Pursuant to that authority, some counties and municipalities in Texas, in recent days, declared local disasters due to the spread of the disease COVID-19 and issued orders requiring all non-essential businesses to limit or cease operations.<sup>3</sup> You indicate that some of these orders exclude firearms retailers as essential

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<sup>1</sup>*See* Letter from Honorable Dustin Burrows, Chair, House Comm. on Ways & Means, to Honorable Ken Paxton, Tex. Att’y Gen. at 1 (Mar. 24, 2020), <https://www2.texasattorneygeneral.gov/opinion/requests-for-opinion-rqs> (“Request Letter”).

<sup>2</sup>Your question is limited to municipal or county authority to restrict the sale of firearms. Request Letter at 1. You do not ask about, and we do not address, any emergency authority the Governor has to limit or suspend the sale of firearms during a disaster declaration. *See* TEX. GOV'T CODE § 418.019 (“The governor may suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles.”).

<sup>3</sup>*See, e.g.*, Order of the Mayor of the City of Austin Steve Adler (Mar. 24, 2020), *available at* <http://www.mayoradler.com/wp-content/uploads/2020/03/Order-20200324-007-Stay-Home-Work-Safe.pdf>.

businesses, thereby prohibiting or restricting those retailers from operating their businesses. *See* Request Letter at 1.

While the Legislature granted local officials certain emergency powers to address disaster situations, that local authority is not without limitation. Relevant to your question, provisions in the Local Government Code prohibit municipalities and counties from regulating, among other things, the transfer, possession, ownership, or sale of firearms, “notwithstanding any other law.” *See* TEX. LOC. GOV’T CODE §§ 229.001(a), 236.002(a). Section 229.001 of the Local Government Code prohibits certain municipal regulation:

*Notwithstanding any other law, . . . a municipality may not adopt regulations relating to:*

- (1) the transfer, possession, wearing, carrying, ownership, storage, transportation, licensing, or registration of firearms, air guns, knives, ammunition, or firearm or air gun supplies or accessories;
- (2) commerce in firearms, air guns, knives, ammunition, or firearm or air gun supplies or accessories; or
- (3) the discharge of a firearm or air gun at a sport shooting range.

TEX. LOC. GOV’T CODE § 229.001(a) (emphasis added). Using almost identical language, section 236.002 of the Local Government Code prohibits counties from adopting regulations related to the same matters. *Id.* § 236.002(a). Texas courts recognize that the phrase “relating to” is a “very broad term.” *RSR Corp. v. Siegmund*, 309 S.W.3d 686, 701 (Tex. App.—Dallas 2010, no pet.); *see also Kirby Highland Lakes Surgery Ctr., L.L.P. v. Kirby*, 183 S.W.3d 891, 898 (Tex. App. — Austin 2006, no pet.) (explaining that courts have construed the phrase “related to” within the arbitration context to be “extremely broad” and “capable of expansive reach” (citations and quotation marks omitted)). In addition, when the Legislature uses the phrase “notwithstanding any other law,” courts construe that language as “an express, unambiguous conflicts-of-law provision.” *Molinet v. Kimbrell*, 356 S.W.3d 407, 414 (Tex. 2011). Thus, although section 418.108 of the Government Code may generally allow municipal and county officials to “control the movement of persons and the occupancy of premises” in a local disaster area, notwithstanding that general authority, emergency orders from local officials may not relate to the transfer, possession, ownership or sale of firearms.<sup>4</sup>

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<sup>4</sup>Some local disaster declarations and related orders restrict the operation of business to delivery or curbside service for certain retail operations. However, federal regulations governing the purchase of firearms generally require in-person transactions with licensed dealers. *See, e.g.*, 27 C.F.R. § 478.124(a) (requiring a licensed dealer to record all firearms transactions on a firearms transaction record, Form 4473); *see also* Bureau of Alcohol, Tobacco, Firearms & Explosives, Form 4473, *available at* <https://www.atf.gov/firearms/docs/4473-part-1-firearms-transaction-record-over-counter-atf-form-53009/download> (requiring form preparation “in original only at the licensed premises” of the dealer). Thus, limiting retail sales of firearms to delivery or curbside service will effectively prohibit firearms sales from licensed dealers.

In addition to prohibiting county or municipal regulation in these areas, the Legislature articulated the effect of a municipal or county regulation related to the transfer, possession, ownership or sale of firearms. Any attempt to adopt or enforce an “ordinance, resolution, rule, or policy . . . , or an official action, including in any legislative, police power, or proprietary capacity” taken in violation of subsection 229.001(a) or 236.002(a) “is void.” TEX. LOC. GOV’T CODE §§ 229.001(a-1), 236.002(b).<sup>5</sup> The statutes’ unambiguous words disclose the Legislature’s intent: if a municipality or county adopts a regulation related to the transfer, possession, ownership or sale of firearms, that regulation will be void to the extent of a conflict with section 229.001(a) or section 236.002(a). See *Tex. Lottery Comm’n v. First State Bank of DeQueen*, 325 S.W.3d 628, 639 (Tex. 2010). Thus, municipal and county officials may not use their emergency powers under section 418.108 of the Government Code to regulate or restrict the sale of firearms.

Section 229.001 of the Local Government Code recognizes municipal authority under other law to “regulate the *use* of firearms, . . . in the case of an insurrection, riot, or natural disaster if the municipality finds the regulations necessary to protect public health and safety.” TEX. LOC. GOV’T CODE § 229.001(b)(4) (emphasis added). Thus, municipal governments possess limited authority to regulate firearms during a disaster. *Id.* § 229.001(a). However, the action of using a firearm is distinct from the transfer, ownership, or sale of the firearm, each of which can be accomplished without actual use. Thus, municipal authority to regulate the use of firearms during a disaster does not grant authority to also regulate the transfer, possession, ownership or sale of firearms.

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<sup>5</sup>The Legislature authorized the Attorney General to “bring an action in the name of the state to obtain a temporary or permanent injunction” against a municipality or county adopting a regulation in violation of these provisions. TEX. LOC. GOV’T CODE §§ 229.001(f), 236.002(f).

**S U M M A R Y**

Subsections 229.001(a) and 236.002(a) of the Local Government Code prohibit a municipality or county from adopting regulations related to the transfer, possession, or ownership of firearms, or commerce in firearms. These provisions apply to municipal and county regulation “notwithstanding any other law.” Thus, while municipal and county officials possess general emergency authority to control the movement of persons and the occupancy of premises in a local disaster area under Government Code section 418.108, such orders may not regulate or restrict the sale of firearms.

Very truly yours,

A handwritten signature in black ink that reads "Ken Paxton". The signature is written in a cursive, flowing style.

KEN PAXTON  
Attorney General of Texas

JEFFREY C. MATEER  
First Assistant Attorney General

RYAN L. BANGERT  
Deputy Attorney General for Legal Counsel

VIRGINIA K. HOELSCHER  
Chair, Opinion Committee