

CITY OF MCKINNEY, TEXAS
THIRD REVISED MAYORAL DECLARATION OF LOCAL STATE OF DISASTER
DUE TO PUBLIC HEALTH EMERGENCY

WHEREAS, beginning in December 2019, a novel coronavirus, now designated COVID-19, has spread through the world and has now been declared a global pandemic by the World Health Organization; and

WHEREAS, symptoms of COVID-19 include fever, coughing, and shortness of breath and, in some cases, the virus has caused death; and

WHEREAS, prudence dictates that extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout the City of McKinney, including the quarantine of individuals, groups of individuals and occupied structures and, additionally, including compelling individuals, groups of individuals, or occupied structures to undergo additional health measures that prevent or control the spread of the virus; and

WHEREAS, Governor Abbott and Collin County have declared a local disaster due to public health emergency; and

WHEREAS, as Mayor, and under state law and local ordinance, I issued two (2) Mayoral Declarations of Local State of Disaster on March 16, 2020; and another on March 17, 2020; and

WHEREAS, thereafter I have been evaluating the health and safety aspects of placing limitations on patron occupancies in restaurants and bars in the City of McKinney to help insure that COVID-19 is contained; and

WHEREAS, on March 24, 2020 Collin County Judge Chris Hill issued his Order regarding COVID-19 to protect the citizens of Collin County; and

WHEREAS, on March 24, 2020 the McKinney City Council convened and provided input to me for managing the health and welfare of McKinney citizens during this local disaster through a mayoral declaration, issued pursuant to the law.

NOW, THEREFORE, BE IT DECLARED BY THE MAYOR OF THE CITY OF MCKINNEY, TEXAS:

SECTION 1. That a local state of disaster due to public health emergency is hereby declared for the City of McKinney, Texas, pursuant to section 418.108(a) of the Texas Government Code. This Third Revised Declaration supersedes, in its entirety, my Second Revised Declaration of March 17, 2020, which declaration expired by law on March 23, 2020.

SECTION 2. Pursuant to section 418.108(b) of the Texas Government Code, the state of disaster due to public health emergency shall continue for a period of not more than seven (7) days from the effective date of this declaration unless continued or renewed by the City Council of the City of McKinney, Texas.

SECTION 3. Pursuant to section 418.108(c) of the Texas Government Code, this declaration of a local state of disaster due to public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

SECTION 4. Pursuant to section 418.108(d) of the Government Code, this declaration of a local state of disaster activates the City of McKinney's Emergency Management Plan under McKinney Ordinance 2008-02-013.

SECTION 5. That this declaration authorizes the City to take any actions necessary to promote health and suppress the virus, including the quarantine of persons and occupied structures, examining and regulating hospitals, regulating ingress and egress from the City, regulating ingress and egress to occupied structures, and insuring compliance for those who do not comply with the City's rules, pursuant to section 122.006 of the Health and Safety Code.

SECTION 6. The City Council of the City of McKinney, the MEDC board of directors, and the MDCDC board of directors and their essential and necessary attendees shall be exempt from this Declaration for scheduled public meetings, whether a regular, work session, special or emergency meeting. The stated exempt entities shall use best efforts to provide adequate social distancing for members and attendees during any scheduled meetings, including their closed sessions. Whenever possible, teleconferencing shall be utilized for meetings held under this Section.

SECTION 7. That beginning Thursday, March 26, 2020 at 12:01 a.m. and until Wednesday, April 1, 2020 at 11:59 p.m.:

(1) All individuals currently living within McKinney are ordered to shelter at their place of residence. For the purposes of this Declaration, residences include hotels, motels, shared rentals, and similar facilities. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably as possible maintain social distancing of at least six feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, or to provide or perform Essential Governmental Functions, or to operate Essential Businesses, all as defined in this Section 7.

(2) All businesses operating within McKinney, except Essential Businesses as defined in below in this Section 7, are required to cease all activities at facilities located within McKinney. For clarity, businesses may continue operations consisting exclusively of employees or contractors

performing activities at their own residences (i.e. working from home). To the greatest extent possible, all Essential Businesses shall comply with the Social Distancing Guidelines attached, including maintaining six-foot social distancing for both employees and the general public.

(3) 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 Declaration prohibits the gathering of members of a household or living unit.

(4) Restaurants with or without drive-in or drive-through services and microbreweries, micro-distilleries, or wineries may only provide take out, delivery, or drive-through services as allowed by law.

(5) Religious and worship services may only be provided by video and teleconference. Religious institutions must limit in-person staff to ten (10) people or less when preparing for or conducting video or teleconference services, and all individuals must follow the Social Distancing Guidelines including the six-foot social distancing. Funerals are allowed with appropriate social distancing.

A. Definitions:

(1) For purposes of this Declaration, individuals may leave their residence only to perform any of the following "Essential Activities":

- a. 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 or visiting a health care professional).
- b. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others (for example, food, pet supply, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences).
- c. To engage in outdoor activities, provided the individuals comply with social distancing requirements of six feet (for example, walking, biking, hiking, running, and other exercise activities). Children shall not use playground equipment or any other public recreational structures.
- d. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order.

e. To care for a family member or pet in another household.

(2) For purposes of this Declaration, “Essential Businesses” means:

- a. **Essential Healthcare Operations.** Healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services. Home-based and residential-based care for seniors, adults, or children are also considered healthcare operations. Healthcare operations also includes veterinary care and all health and welfare services provided to animals. This exemption shall be viewed broadly to avoid any impacts to the delivery of healthcare. Healthcare operations do not include fitness and exercise gyms and similar facilities.
- b. **Essential Government Functions.** All services provided by local governments needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public. Further, nothing in this order shall prohibit any individual from performing or accessing “Essential Government Functions.” All Essential Government Functions shall be performed in compliance with social distancing requirements of six feet, to the extent possible.
- c. **Essential Critical Infrastructure.** 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, elimination of hazardous materials, essential manufacturing operations provided that they carry out those services or that work in compliance with social distancing requirements of six feet, to the extent possible. Essential Businesses providing essential infrastructure should implement screening precautions to protect employees and all activity shall be

performed in compliance with social distancing guidelines attached.

- d. **Essential Retail.** Food service providers, including grocery stores, warehouse stores, bodegas, liquor stores, gas stations and convenience stores, farmers' markets that sell food products and household staples. Food cultivation, including farming, fishing, and livestock. Businesses 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 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. Gas stations, auto-supply, auto, bicycle repair and essential business equipment suppliers, hardware stores, and related facilities. Businesses that supply products needed for people to work from home. **Essential Retail businesses shall post entry signage instructing patrons of the need to limit patron visits to necessary purchases only and to maintain social distancing. Essential Retail businesses shall provide a sanitation station as a required first stop for patron entering the business.**
- e. **Providers of Basic Necessities to Economically Disadvantaged Populations.** Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.
- f. **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, maintenance and security, warehouse/distribution and fulfillment, storage for essential businesses, funeral homes, crematoriums and cemeteries. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences and Essential Businesses. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities. Businesses that supply other essential businesses with support or supplies needed to operate.

- g. **News Media.** Newspapers, television, radio, and other media services.
- h. **Childcare Services.** Childcare facilities providing services that enable employees exempted in this Declaration to work as permitted.

(3) Any manufacturer who retools so that a substantial part of their business is for the purpose of manufacturing and producing ventilators may apply for an “essential business” exemption under this Declaration.

(4) Grocery stores, supermarkets, warehouse stores, hospitals, and medical facilities are experiencing high levels of demand for a large number of products, requiring more deliveries from manufacturers and distribution centers to serve their customers. Due to the need to deliver products as quickly and efficiently as possible during this critical timeframe, this Declaration hereby suspends all delivery hour restrictions for transport to or from any entity involved in the selling or distribution of food products, medicine, or medical supplies in McKinney for the next 7 days.

(5) Due to increased demand for bath or toilet tissue resulting from stock up buying and individuals who purchase for resale, a mandatory limit on toilet paper sales is instituted until the supply chain meets the demand or two weeks, whichever comes first. All sales of bath or toilet tissue occurring in McKinney are limited to the greater of: (a) twelve (12) rolls per purchase or (b) one (1) package per purchase.

(6) If someone in a household has tested positive for coronavirus, the household is ordered to isolate at home. Members of the household cannot go to work, school, or any other community function.

(7) Nursing homes, retirement, and long-term care facilities are instructed by this order to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.

(8) Public and private schools and institutions of higher education are instructed by this Declaration to provide a safety plan to the appropriate Office of Homeland Security and Emergency Management 72 hours before students return to a classroom setting.

(9) Additionally, this Declaration instructs all employees to remain at home if sick. Employees of private businesses and nonprofits with six or more employees in McKinney can use their paid sick leave when they are sick or to care for sick family members.

(10) The owner, manager, or operator of any facility that is likely to be impacted by this Declaration is strongly encouraged to post a copy of this Declaration onsite and to provide a copy to any member of the public asking for a

copy. If any subsection, sentence, clause, phrase, or word of this Declaration or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Declaration.

SECTION 8. The following are approved Social Distancing Recommendations:

- (1) Vulnerable Populations: Limit Outings
 - a. Vulnerable populations include people who are:
 1. 60 years old and older.
 2. People with certain health conditions such as heart disease, lung disease, diabetes, kidney disease and weakened immune systems.
 - b. For vulnerable populations, don't go to gatherings unless it is essential. Stay home. Avoid people who are sick.
- (2) Workplace and Businesses: Minimize Exposure
 - a. Suspend nonessential employee travel.
 - b. Ensure employees practice social distancing and do not work within six feet of one another.
 - c. Urge essential employees to stay home when they are sick and maximize flexibility in sick leave benefits.
 - d. Do not require a doctor's note for employees who are sick.
 - e. Maximize telecommuting options.
 - f. Persons who need to be at work to provide essential services of great benefit to the community must take steps in their workplace to minimize risk.
- (3) Cancel Non-essential Events
 - a. Cancel non-essential events.
 - b. Do not attend any essential or non-essential events or gatherings, if sick.
 - c. For events that meet the Recommendations herein and which aren't cancelled, we recommend:

1. Having hand washing capabilities, hand sanitizers and tissues available.
2. Frequently cleaning high touch surface areas like counter tops and handrails.
3. Finding ways to implement social distancing.

(4) Schools: Safety First

- a. Do not have your child attend school if sick.
- b. If you have a child with chronic health conditions, consult the child's doctor about school attendance.
- c. Schools should equip all classrooms with hand sanitizers and tissues.
- d. Recommend rescheduling or cancelling events that are not essential.
- e. Explore remote teaching and online options to continue learning.
- f. Schools should develop a plan for citywide school closures, and families should prepare for further closures.

(5) Transit: Cleaning and Protection

- a. Increase cleaning of vehicles and high touch surface areas.
- b. Provide hand washing/hand sanitizers and tissues in stations and on vehicles.
- c. Ensure social distancing practices are implemented to the full extent possible.

(6) Health Care Settings: Avoid as possible, protect the vulnerable

- a. Long-term care facilities should have a COVID-19 plan in accordance with CDC or state guidelines.
- b. Long-term care facilities should restrict all visitation except for certain compassionate care situations, such as end of life situations.
- c. The general public should avoid going to medical settings such as hospitals, nursing homes and long-term care facilities, even if you are not ill.

- d. If you are ill, call your health care provider ahead of time, and you may be able to be served by phone.
- e. Do not visit emergency rooms unless it is essential.
- f. Follow guidance and directions of all facilities.

(7) Everyone: Do your part

The best way for all McKinney residents to reduce their risk of getting sick, as with seasonal colds or the flu, still applies to prevent COVID-19:

- a. Wash hands with soap and water for at least 20 seconds.
- b. Cough or sneeze into your elbow or a tissue. Throw the tissue in the trash.
- c. Stay home if you are sick.
- d. Avoid touching your face.
- e. Try alternatives to shaking hands, like an elbow bump or wave.
- f. If you have recently returned from a country, state or region with ongoing COVID-19 infections, monitor your health and follow the instructions of public health officials and CDC guidance.
- g. There is no recommendation to wear masks at this time to prevent yourself from getting sick.

You can also prepare for the disruption caused by an outbreak. Preparedness actions include:

- a. Prepare to work from home if that is possible for your job, and your employer.
- b. Make sure you have a supply of all essential medications for your family.
- c. Prepare a childcare plan if you or a caregiver are sick.
- d. Make arrangements about how your family will manage school closures.
- e. Plan for how you can care for a sick family member without getting sick yourself.

- f. Take care of each other and check in by phone with friends, family and neighbors that are vulnerable to serious illness or death if they get COVID-19.
- g. Keep common spaces clean to help maintain a healthy environment for you and others. Frequently touched surfaces should be cleaned regularly with disinfecting sprays, wipes or common household cleaning products.

SECTION 9. This Declaration hereby incorporates and enacts the following regulations from the Governor's Executive Order No. GA-08 regarding the conduct of persons/people and schools:

- 1. Every person shall avoid social gatherings of more than 10 people.
- 2. People shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms or massage parlors; provided, however, that the use of drive-thru, pickup, or delivery options is allowed and highly encouraged.
- 3. People shall not visit nursing homes or retirement or long-term care facilities unless to provide critical assistance.
- 4. Schools shall temporarily close.

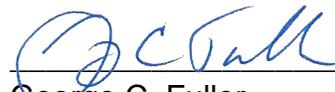
SECTION 10. This Declaration hereby incorporates Collin County Judge Chris Hill's Order of March 24, 2020 and finds it consistent herewith in all respects.

SECTION 11. That this declaration hereby authorizes the use of all lawfully available enforcement tools.

SECTION 12. Any person, firm or corporation violating any of the provisions of this Declaration commits an offense, punishable by a fine up to \$1000.00, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 13. That this Declaration shall take effect in accordance with Section 7 above. McKinney City Council Ordinance 2020-03-022 shall remain in effect up until such time.

SO DECLARED AND ORDERED this 25th day of March, 2020.



George C. Fuller
Mayor