

**EXTENSION OF DECLARATION OF DISASTER
AND ORDER OF THE MAYOR OF
THE CITY OF FORNEY, TEXAS**

WHEREAS, pursuant to Section 418.108(a) of the Texas Government Code Section, Mayor Mary Penn of the City of Forney issued a Declaration of State of Disaster and Public Health Emergency (“Declaration”) on March 20, 2020, due to a novel coronavirus now designated SARS-CoV2 which causes the disease COVID-19; and,

WHEREAS, pursuant to Section 418.108(b) of the Texas Government Code, the Declaration shall not be continued or renewed for a period of more than seven days without the consent of the City Council for the City of Forney (“City Council”); and

WHEREAS, the conditions necessitating the Declaration continue to exist; and

WHEREAS, the on-going evaluation of circumstances related to the virus and the updated recommendations of the Centers for Disease Control and Prevention (“CDC”) and the Texas Department of State Health Services warrant additional action by the City Council; and

WHEREAS, on March 16, 2020, President Trump acknowledged the gravity of the COVID-19 pandemic, releasing strict new guidelines to limit people’s interactions, including that Americans should avoid groups of more than 10 people.

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF FORNEY, TEXAS, THAT:

1. That the State of Disaster and Public Health Emergency proclaimed for the City of Forney, Texas by Mayor Penn on March 20, 2020 shall continue until terminated by order of the City Council.
2. The following regulations are hereby ordered under the authority of the Mayor of the City of Forney, Texas pursuant to Section 418.108 of the Texas Government Code:
 - A. Effective as of 11:59 p.m. on March 25, 2020, and continuing until 11:59 p.m. on April 8, 2020:
 - (1) All individuals currently living within the City of Forney, Texas are ordered to shelter at their place of residence. For the purposes of this Order, 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 Section B, or to operate business activities that are outside the City of Forney and that are not subject to restrictions specifically imposed under a declaration of local disaster and public health emergency.
 - (2) All businesses operating within the City of Forney, except Essential Businesses as defined in below in Section B, are required to cease all activities at facilities located within the City. 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 recommended by the CDC, 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 Order 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 from the CDC including the six-foot social distancing.
- (6) All elective medical, surgical, and dental procedures are prohibited anywhere in the City of Forney. 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.


B. Definitions:

- (1) For purposes of this Order, individuals may leave their residence only to perform any of the following “Essential Activities”:
 - 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 needed 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 supply, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences).
 - iii. To engage in outdoor activity, provided the individuals comply with social distancing requirements of six feet (for example, walking, biking, hiking, 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 Order.
 - v. To care for a family member or pet in another household.
- (2) For purposes of this Order, “Essential Businesses” shall be those businesses in the below listed areas. Any additional businesses or related determinations shall be made by the City Manager in consultation with the Emergency Management Team for the City.

- i. **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. Healthcare operations do not include elective medical, surgical, and dental procedures as established in accordance with Subsection A(6) of this Order.
- ii. **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.” This notwithstanding, certain government facilities may be closed to the public, except by appointment only. All Essential Government Functions shall be performed in compliance with social distancing requirements of six feet, to the extent possible.
- iii. **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, 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 from the CDC.
- iv. **Essential Retail.** Food service providers, including grocery stores, warehouse stores, big-box stores, bodegas, 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 and bicycle repair, hardware stores, and related facilities. Businesses that supply products needed for people to work from home.

- v. **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.
 - 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, 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.
 - vii. **News Media.** Newspapers, television, radio, and other media services.
 - viii. **Childcare Services.** Childcare facilities providing services that enable employees exempted in this Order to work as permitted.
- C. 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 Order.
- D. 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.
- E. 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.
- F. This Order shall be effective until 11:59 p.m. on April 8, 2020, or until it is either rescinded, superseded, or amended pursuant to applicable law.
- G. The City of Forney must promptly provide copies of this Order by posting on the City of Forney website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

DECLARED and ORDERED this 23rd day of March, 2020.


Mary Penn
Mayor, City of Forney