

**CITY OF BUDA, TEXAS**

**MAYOR'S AMENDED PROCLAMATION**

**DECLARING A LOCAL STATE OF DISASTER**

**WHEREAS**, on March 13, 2020, a Declaration of State of Disaster was issued by Governor Abbott to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texans; and

**WHEREAS**, President Donald Trump declared a State of National Emergency for the United States of America on March 13, 2020 in response to the spread of COVID-19; and

**WHEREAS**, on March 13, 2020, I, as Mayor, proclaimed and declared a local state of disaster within the City of Buda, Texas, which shall continue in effect through March 20, 2020, in response to the spread of COVID-19, unless continued by the City Council; and,

**WHEREAS**, on March 15, 2020, a Declaration of Local Disaster was issued by the Hays County Judge to allow Hays County to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Hays County residents utilizing state and federal resources made available with the declaration; and

**WHEREAS**, due to the substantial risks to the public, on March 17, 2020, the Hays County Judge issued an order prohibiting certain Community Gatherings, as defined in his Order, of (10) persons or more, anywhere within Hays County beginning at 2 a.m. on March 18, 2020, and continuing until 5 p.m. on May 14, 2020, unless terminated or modified by a subsequent order; and

**WHEREAS**, to the extent of any conflict between decisions of the county judge and the mayor, the decision of the county judge prevails, and, to the extent of any conflict between decisions of the mayor and the Texas Governor, the Texas Governor prevails, pursuant to Section §418 of the Texas Government Code; and

**WHEREAS**, the COVID-19 virus is contagious and spreads through person-to-person contact, especially in group settings; and

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

**WHEREAS**, since the term Community Gathering does not include restaurants, bars, and retail establishments, and does not include unconfined outdoor space, and the Hays County Local Health Department strongly recommends that owners and managers of such businesses disallow public access to areas where members of the public who did not arrive

to that location together cannot be kept more than six feet (6') apart and strongly recommends that owners and managers of those businesses implement plans and arrangements that will assist patrons in maintaining social distancing; and

**WHEREAS**, the Hays County Local Health Department recommends following the social distancing actions attached to the March 17, 2020 and attached hereto. In addition, the Hays County Local Health Department urges individuals who are at the highest risk from COVID-19, as determined and defined by the CDC, to not attend and to avoid community gatherings or events; and

**WHEREAS**, the people of the City of Buda shall obey all orders relating to the declared state of disaster of the county and the city pursuant to the authority of both the mayor and the county judge provided by Section 418.108 of the Texas Government Code.

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

1. That a local state of disaster is continued to be declared for the City of Buda, Texas, effective from March 13<sup>th</sup> through March 20<sup>th</sup>, unless continued by the City of Buda City Council.
2. That the City's Emergency Management Plan has been implemented.
3. That this state of disaster shall continue for a period of not more than seven days of the date initially declared, unless the same is continued by consent of the City Council of Buda, Texas.
4. That the findings and recitations set out in the preamble to this proclamation are found to be true and correct and they are hereby adopted by the City of Buda and made a part hereof for all purposes.
5. Effective immediately and until terminated or modified by an Order of the County Judge or a subsequent Mayoral Order, it is in the public interest to PROHIBIT and LIMIT public or private Community Gatherings (as defined below) within the City Limits of the City of Buda, Texas.
6. Occupancy of Premises Restrictions:
  - a. For purposes of this Order, a "Community Gathering" is any indoor or outdoor event convening, subject to the exceptions and clarifications below, that brings together or is likely to bring together ten (10) or more persons at the same time in a single room or other single confined or enclosed space. For clarity, this includes, but is not limited to, weddings, religious gatherings, parties, funerals, sporting events, social events, conferences, and other gatherings, unless otherwise provided by this Order.

- b. An outdoor "Community Gathering" prohibited under this Order is limited to events that convene or occur in outdoor spaces, which mean an outdoor space that (i) is enclosed by a fence, physical barrier, or other structure and (ii) where people are present and they are within arm's length of one another for extended periods.
- c. This Order also does not prohibit gatherings of people in multiple, separate enclosed spaces (including separate cubicles) in a single building such as a multi-level building, so long as 10 or more people are not present in any single space at the same time. For any gathering covered by this subsection c., the Mayor for the City of Buda and the Hays County Health Department strongly encourages compliance with the attached Social Distancing Recommendations and increasing cleaning of commonly and frequently touched surfaces.
- d. During any period not covered by an Executive Order of the Governor applicable to this subject matter, Food Establishments are ORDERED to take measures to reduce indoor occupancy levels, limiting maximum occupancy to 50 persons, including staff. All establishments are to impose the following seating requirements to all service areas (indoor or outdoor): guests are to be seated such that a minimum of 6 feet of separation is maintained between any group of customers which elect to dine together. Groups may not be larger than nine (9) persons unless they are all related. All employees are required to comply with the Social Distancing Recommendations attached and employers are to impose increased cleaning protocols for commonly and frequently touched surfaces. All food establishments are encouraged to and may provide drive-thru, take-away, or no-contact delivery, food service designed to limit exposure between individuals.
- e. During any period not covered by an Executive Order of the Governor applicable to this subject matter, all holders of a Texas Alcohol Beverage Commission permit allowing on-premise consumption (collectively "bars") are ORDERED to close common bar spaces open to the public and are PROHIBITED from allowing alcohol consumption within the bar areas. This prohibition does not apply to and permits the service of alcohol complimentary to food service in dining areas only or as otherwise provided by law.
- f. This Order does not apply to the following critical facilities:
  - i. critical infrastructure, including government buildings, EOC operational facilities, hospitals, medical offices and related facilities; and,
  - ii. schools or institutes of higher learning; and

- iii. grocery stores and pharmacies (which include warehouse stores, big-box stores, bodegas, gas stations, convenience stores, farmers' markets or other businesses which sell food products and household supplies).
- g. Daycare and childcare facilities do not fall within the definition of Community Gathering and are ORDERED to close for a period of 14 days, effective midnight March 20, 2020 through midnight, April 3, 2020, to coincide with the dates of Governor Abbott's executive order.

In all such settings, the Mayor for the City of Buda and the Hays County Health Department recommends following the attached Social Distancing Recommendations.


- 7. By this declaration, I declare all rules and regulations that may inhibit or prevent prompt response to this threat be suspended for the duration of this declaration and any extension thereof.
- 8. All our community's critical infrastructure, which includes communications, emergency services, energy, transportation systems and water and wastewater systems, are ORDERED to continue operations and encouraged to implement screening precautions to protect employees.
- 9. The Buda Police Department, the Buda Fire Marshal, and other peace officers within the city pursuant to the mutual aid provision provided in Texas Government Code Chapter 418 are authorized to enforce this order.
- 10. Failure to obey the direction provided by this First Amended Proclamation pursuant to the City's Emergency Management Plan is a criminal offense punishable by a fine not to exceed \$500.00; however, if the offense constitutes an unlawful act relating to fire safety, zoning or public health or sanitation the fine may be up to \$1,000 for each violation.
- 11. That this proclamation shall take effect immediately from and after its issuance.

DECLARED this the 20<sup>th</sup> day of March 2020.



ATTEST:

  
Alicia Ramirez  
City Clerk

  
GEORGE HAEHN, MAYOR  
City of Buda, Texas