



City of Richmond

Where History Meets Opportunity

EMERGENCY CITY COMMISSION MEETING

Monday, March 30, 2020 at 4:00 P.M.

Notice is hereby given to all interested members of the public that the City Commission of the City of Richmond will hold an emergency public meeting **via video conference call** pursuant to Texas Government Code, Section 551.125, as amended, and as modified by the temporary suspension of various provisions thereof effective March 16, 2020, by the Governor of Texas in accordance with the Texas Disaster Act of 1975, all as related to the Governor's proclamation on March 13, 2020, certifying that the COVID-19 pandemic poses an imminent threat of disaster and declaring a state of disaster for all counties in Texas. All members of the public may participate in the meeting via video conference call.

In compliance with the recommendations of the CDC and other governmental agencies, to limit meetings to less than ten persons to limit the spread of the COVID-19 virus, members of the public will not be permitted to attend the meeting in person. However, members of the public may submit comments to the City Commission in any of the following ways: 1) emailing the City Secretary at Iscarlato@ci.richmond.tx.us; 2) delivering written comments to City Hall prior to the meeting; or 3) by notifying the City Secretary in advance that they wish to be contacted by phone during the meeting in order to make their comments during the comments from the audience for Agenda Items portion of the meeting.

**Topic: Special City Commission Meeting, Monday, March 30, 2020 at 4:00 P.M.
Time: Mar 30, 2020 04:00 PM Central Time (US and Canada)**

Join Zoom Meeting
<https://zoom.us/j/119607995>

Meeting ID: 119 607 995

One tap mobile
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Dial by your location
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Any item on this posted agenda may be discussed in Executive Session provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.

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+1 253 215 8782 US
Meeting ID: 119 607 995

Mayor Evalyn Moore

Commissioner Terry Gaul
Commissioner Carl Drozd

Commissioner Barry Beard
Commissioner Alex BeMent

AGENDA

- A1. Call to Order, Quorum Determined and Meeting Declared Open.
- A2. Public comments (Public comment is limited to a maximum of 3 minutes per item. No Deliberations with the Commission. Time may not be given to another speaker.)
- A3. Review and consider taking action on Resolution No. 321-2020, adopting the provisions of the Expanded Family Medical Leave Act and the Emergency Leave Act as required by Families First Coronavirus Response Act.
- A4. Review and consider taking action on Ordinance No. 2020-10, postponing the May 2, 2020 General Election until November 3, 2020.
- A5. Review and consider taking action on Ordinance No. 2020-11, Affirm the Public Health Emergency Declarations including the revisions for the City of Richmond.
- A6. Consider taking action on requests for future agenda items.
- A7. Adjournment.

If, during the course of the meeting covered by this Agenda, the Commission shall determine that an executive session of the Commission, should be held or is required in relation to any item included in this Agenda, then such executive session, as authorized by the Texas Open Meetings Act, will be held by the Board at the date, hour, and place given in this Agenda concerning any and all subjects and for any and all purposes permitted by Sections 551.071-551.090 of the Texas Government Code, including, but not limited to, Section 551.072 – for purpose of deliberating regarding real property on any or all subjects or matters authorized by law.

Any item on this posted agenda may be discussed in Executive Session provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.

NOTICE OF ASSISTANCE AT THE PUBLIC MEETING

The City of Richmond City Commission meetings are available to all persons regardless of disability. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations, should you require special assistance, must be made 48 hours prior to this meeting. Braille is not available. Please contact the City Secretary's office at (281) 342-5456 ex.11 for needed accommodations.

If you have any questions please let me know.

Terri Vela



City of Richmond

Where History Meets Opportunity

Emergency City Commission Meeting

600 Morton Street

Monday, March 30, 2020 at 4:00 P.M.

A1. Call to Order, Quorum Determined, Meeting Declared Open.



City of Richmond

Where History Meets Opportunity

Emergency City Commission Meeting

600 Morton Street

Monday, March 30, 2020 at 4:00 p.m.

- A2. Public comments (Public comment is limited to a maximum of 3 minutes per item. No deliberations with the Commission. Time may not be given to another speaker).



City of Richmond

Where History Meets Opportunity

Emergency City Commission Meeting

600 Morton Street

Monday, March 30, 2020 at 4:00 P.M

- A3. Review and consider taking action on Resolution No. 321-2020, adopting the provisions of the Expanded Family Medical Leave Act and the Emergency Leave Act as required by Families First Coronavirus Response Act.



**CITY COMMISSION
AGENDA ITEM COVER MEMO**

DATE: 03/27/2020

Staff Review:

City Manager _____
City Attorney _____
Finance _____
Fire Department _____
Police Department _____
Public Works _____

AGENDA ITEM: Review and consider taking action on Resolution No. 321-2020, adopting the provisions of the Expanded Family Medical Leave Act and the Emergency Leave Act as required by Families First Coronavirus Response Act.

SUBMITTED BY: Shelly Freeman, Human Resources Director

SYNOPSIS

Request Commission to approve staff's recommendation and take action on Resolution No. 321-2020, adopting the provisions of the Expanded Family Medical Leave Act and the Emergency Leave Act as required by Families First Coronavirus Response Act.

COMPREHENSIVE PLAN AND 2020 GOALS ADDRESSED

On March 18, 2020, President Trump signed into law The Families First Coronavirus Response Act (H.R. 6201). The law is effective April 2, 2020 and will end on December 31, 2020. The Family First Act amends the current Family Medical Leave Act (FMLA) by providing expanded provisions in response to COVID-19.

Expanded Provision Highlights:

Eligible Employees:

Eligible employees include employees who work for an employer with fewer than 500 employees and who have been on the payroll for at least 30 calendar days.

Paid leave:

The first 10 days of this leave may be unpaid; however, employees may elect to substitute available paid time off, such as vacation, personal or sick leave, during this time.

After the initial 10 days, employers must pay eligible employees at least two-thirds of the employees' regular rate of pay (as defined under the Fair Labor Standards Act) based on the number of hours the employees would otherwise have been scheduled to work. These paid-family-leave benefits are capped at \$200 a day (or \$10,000 total).

Leave Required:

Covered employers must provide full-time employees with up to 80 hours of paid sick leave if the employees are unable to work (or telework) due to COVID-19. Part-time employees are entitled to paid sick leave based on the number of hours the employees work, on average, over a two-week period.

Eligible employees:

All employees, regardless of how long they have worked for the employer are eligible for paid sick leave, with the exception that an employer of health care providers or emergency responders may elect to exclude such employees.

Qualifying reasons for leave:

Qualifying reasons for this paid sick leave include:

1. The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. The employee is caring for an individual who is subject to either number 1 or 2 above.
5. The employee is caring for his or her son or daughter if the school or place of care of the son or daughter has been closed, or the childcare provider of such son or daughter is unavailable, due to COVID-19 precautions.
6. The employee is experiencing any other substantially similar condition specified by the secretary of health and human services in consultation with the secretary of the treasury and the secretary of labor.

BACKGROUND

BUDGET ANALYSIS

FUNDING SOURCE	ACCOUNT NUMBER	PROJECT CODE/NAME	FY 2020 FUNDS BUDGETED	FY 2020 FUNDS AVAILABLE	AMOUNT REQUESTED
N/A					

BUDGET AMENDMENT REQUIRED? YES _____ NO _____

Requested Amendment:

Budgeted funds estimated for FY 2020:

Purchasing Review:

Financial/Budget Review:

FORM CIQ: _____

FORM 1295 _____

SUPPORTING MATERIALS

- Section 6.00 Family Medical Leave Act (FMLA)
- Section 6.00 b (FMLA) Expanded Families First Coronavirus Response Act

STAFF'S RECOMMENDATION

City Manager Approval: _____

CHAPTER 6 LEAVE

6.00 Family and Medical Leave Act (FMLA)

Revision Date: 5/22/2017

As required by the Family and Medical Leave Act of 1993 (the "Act"), as amended, eligible employees may request unpaid time off for up to a total of twelve (12) workweeks of leave per twelve (12) month period for one or more of the following:

1. Due to the birth of a son or daughter of the employee.
2. Due to the placement of a son or daughter with the employee for adoption or foster care.
NOTE: An employee's entitlement to leave under 1 or 2 above shall expire at the end of the 12-month period beginning on the date of the birth or placement of the son or daughter.
3. In order to care for the spouse, or a son, daughter, or parent of the employee, if such spouse, son, daughter or parent has a serious health condition.
4. Due to a serious health condition that makes the employee unable to perform the functions of the position of such employee.
5. Because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support on a contingency operation.
6. In order to care for a covered service member recovering from a serious injury or illness incurred in the line of duty on active duty. Up to 26 weeks of leave in a single twelve (12) month period are allowed.

An eligible employee is generally one both employed by the City for at least twelve (12) months in total and who worked at least 1250 hours for the City during the twelve (12) month period preceding the commencement of the leave. An employee's twelve (12) month period shall be a rolling twelve (12) month period measured backward from the date the employee uses leave under the Act.

The provisions of this policy shall apply to all family and medical leaves of absence except to the extent that such leaves are covered under other paid employment benefit plans or policies for any part of twelve (12) weeks of leave to which the employee may be entitled under this policy. Subject to such other plans or policies, family leave will be granted without pay. An employee may elect to substitute any accrued vacation leave or sick leave (which he would otherwise be eligible to receive) for such family leave for any part of the twelve (12) week period of such leave.

Leave may be taken on an intermittent or reduced schedule basis when and as provided in the Act, which may require that the employee's health care provider certify that leave on such basis is medically necessary for a serious health condition of the employee or his or her spouse, child or parent. If leave is requested on this basis; however, the City may require the employee to transfer temporarily to an alternative position which better accommodates recurring periods of absence or a part-time schedule, provided that the position has equivalent pay and benefits. Spouses who are both employed by the City are entitled to a total of twelve (12) weeks of leave (rather than twelve (12) weeks each) for the birth or adoption of a child or the care of a sick parent.

When the need for leave is foreseeable, such as the birth or adoption of a child or planned medical treatment, the employee must provide at least thirty (30) days prior notice and, in the case of planned medical treatment, must make efforts to schedule leave so as not to disrupt City operations. When the need for leave is not foreseeable or it is not practicable to give thirty (30) days notice, the employee must give notice as soon as practicable. In cases of illness, the employee will be required to report periodically on his or her leave status and intention to resume work. Prior to return to work from a leave taken for the employee's own serious health condition, the City will require certification from the employee's health care provider that the employee is able to return to work.

The City will require medical certification to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse or parent. The medical certification must be provided within fifteen (15) calendar days after the City requests the certification or as soon thereafter as is practicable. Delay or failure to provide medical certification may result in delay or denial of leave.

For the employee's own medical leave, the certification must include, among other things, a statement that the employee is unable to perform the functions of his or her position. The City will provide the employee's health care provider with a list of the employee's job functions. For leave to care for a seriously ill child, spouse or parent, the certification must include, among other things, an estimate of the amount of time the employee is needed to provide care.

At its own discretion, the City may require a second medical certification at its own expense. If the first and second opinions differ, the City, at its own expense, may require the medical certification of a third health care provider, approved jointly by the City and the employee, which certification shall be binding. The City may require periodic recertification as permitted under the Act, which shall be at the employer expense.

Benefits will be maintained during the qualifying leave as required by the Act. However, the City may ask for repayment of any premiums paid by the City on behalf of the employee during any period of unpaid leave if the employee does not return to work after the leave has expired for a reason other than the continuation, recurrence or onset of a serious health condition entitling the employee to leave under (3) or (4) above or other circumstances beyond the control of the employee.

6.00 b. (FMLA) Expanded Families First Coronavirus Response Act

Revision Date: 3/24/2020

On March 18, 2020, President Trump signed into law The Families First Coronavirus Response Act (H.R. 6201). The law is effective April 2, 2020 and the provisions below end on December 31, 2020. While this act has extensive provisions in response to COVID-19, the following areas are important for employers to note:

EXPANDED FMLA

What is expanded?

The Emergency Family and Medical Leave Expansion Act amends the current Family and Medical Leave Act (FMLA), allowing leave for eligible employees who can't work (or telework) because their minor child's school or childcare service is closed due to a COVID-19 emergency declared by a federal, state or local authority.

Who is eligible?

Eligible employees include employees who work for an employer with fewer than 500 employees and who have been on the payroll for at least 30 calendar days.

The legislation also allows the secretary of labor to exclude health care providers and emergency responders from the definition of employees who are allowed to take leave.

Most employees of the federal government are covered by Title II of the Family and Medical Leave Act, which was not amended by this Act, and are therefore not covered by the expanded family and medical leave provisions of the FFCRA. However, federal employees covered by Title II of the Family and Medical Leave Act are covered by the paid sick leave provision.

Is this paid leave?

The first 10 days of this leave may be unpaid; however, employees may elect to substitute available paid time off, such as vacation, personal or sick leave, during this time.

After the initial 10 days, employers must pay eligible employees at least two-thirds of the employees' regular rate of pay (as defined under the Fair Labor Standards Act) based on the number of hours the employees would otherwise have been scheduled to work. These paid-family-leave benefits are capped at \$200 a day (or \$10,000 total).

Are there exceptions?

A small employer with fewer than 25 employees is not obligated to reinstate an employee at the end of his or her leave if the employee's position has been eliminated due to economic conditions or other changes in operating conditions of the employer caused by COVID-19, and the employer is unable to reinstate the employee to an equivalent position.

What is the effective date?

The expanded FMLA provisions take effect April 2, 2020 and expire on December 31, 2020.

PAID SICK LEAVE

Who is covered?

Employers with fewer than 500 employees and public agencies with at least one employee.

Which employees are eligible?

All employees, regardless of how long they have worked for the employer are eligible for paid sick leave, with the exception that an employer of health care providers or emergency responders may elect to exclude such employees.

How much leave is required?

Covered employers must provide full-time employees with up to 80 hours of paid sick leave if the employees are unable to work (or telework) due to COVID-19. Part-time employees are entitled to paid sick leave based on the number of hours the employees work, on average, over a two-week period.

What are the qualifying reasons for leave?

Qualifying reasons for this paid sick leave include:

1. The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. The employee is caring for an individual who is subject to either number 1 or 2 above.
5. The employee is caring for his or her son or daughter if the school or place of care of the son or daughter has been closed, or the childcare provider of such son or daughter is unavailable, due to COVID-19 precautions.
6. The employee is experiencing any other substantially similar condition specified by the secretary of health and human services in consultation with the secretary of the treasury and the secretary of labor.

What are the pay requirements?

Paid sick leave must be paid at the employee's regular rate of pay, or minimum wage, whichever is greater, for leave taken for reasons 1-3 above. An Employee taking leave for reasons 4-6 may be compensated at two-thirds of his or her regular rate of pay, or minimum wage, whichever is greater.

What if the employee has other paid leave available?

An employer may not require an employee to use other types of paid leave provided by the employer before the employee uses the paid sick time available under this law.

What is the effective date?

The-paid-sick leave provisions take effect April 2, 2020 and expire on December 31, 2020.

HEALTH INSURANCE

A group health plan must provide coverage without any cost-sharing requirements, such as deductibles, co-payments and co-insurance, or prior authorization or other medical management requirements, for:

- The costs of a test to detect or diagnose the virus that causes COVID-19; or
- Health care provider visits, including telehealth visits, urgent care and emergency room visits, that result in an order for or administration of a test to detect or diagnose the virus that causes COVID-19.

TAX CREDITS FOR PAID SICK LEAVE AND PAID FMLA

A tax credit is created for each calendar quarter for an amount equal to 100 percent of the qualified sick leave wages and qualified family leave wages paid by an employer during the calendar quarter, including some costs associated with providing and maintaining a group health plan during such paid leaves.

Employers pay the paid leave and can take an immediate tax credit by 3/25/2020 child care leave that they paid, rather than deposit them with the IRS.

The payroll taxes that are available for retention include withheld federal income taxes, the employee share of Social Security and Medicare taxes, and the employer share of Social Security and Medicare taxes with respect to all employees.

If the leave paid is greater than the amount of payroll taxes owed, employers will file a request for a refund from the IRS, which they expect to process in two weeks or less.

SIGNATURES



Terri Vela, City Manager

3/25/2020
Date



CITY OF RICHMOND RESOLUTION NO. 321-2020

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF RICHMOND, TEXAS, AMENDING THE PERSONNEL POLICIES AND PROCEDURES MANUAL TO PROVIDE FOR EXPANDED FAMILY MEDICAL LEAVE ACT AND EMERGENCY LEAVE AS REQUIRED BY THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT.

WHEREAS, the United States Congress through the Families First Coronavirus Response Act, signed by President Trump, requires municipalities to provide expanded Family Medical Leave Act benefits and Emergency Leave benefits; and

WHEREAS, the expanded benefits are required to be effective until December 31, 2020; and

WHEREAS, staff has proposed a new Section 6.00 b. to the Personnel Policies and Procedures Manual to provide the required benefits; and

WHEREAS, the City Commission finds that it is in the public interest to amend the Personnel Policies and Procedures Manual to provide the required benefits under the Families First Coronavirus Response Act, Now, Therefore,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF RICHMOND, TEXAS:

Section 1. The facts and findings set forth in the preamble to this Resolution are found to be true and correct.

Section 2. Section 6.00 b "(FMLA) Expanded Families First Coronavirus Response Act" of the Personnel Policies and Procedures Manual, City of Richmond, Texas is hereby created to read as follows:

"Section 6.00 b (FMLA) Expanded Families First Coronavirus Response Act

On March 18, 2020, President Trump signed into law The Families First Coronavirus Response Act (H.R. 6201). The law is effective April 2, 2020 and the provisions below end on December 31, 2020. While this act has extensive provisions in response to COVID-19, the following areas are important for employers to note:

EXPANDED FMLA

What is expanded?

The Emergency Family and Medical Leave Expansion Act amends the current Family and Medical Leave Act (FMLA), allowing leave for eligible employees who can't work (or telework) because their minor child's

school or childcare service is closed due to a COVID-19 emergency declared by a federal, state or local authority.

Who is eligible?

Eligible employees include employees who work for an employer with fewer than 500 employees and who have been on the payroll for at least 30 calendar days.

The legislation also allows the secretary of labor to exclude health care providers and emergency responders from the definition of employees who are allowed to take leave.

Most employees of the federal government are covered by Title II of the Family and Medical Leave Act, which was not amended by this Act, and are therefore not covered by the expanded family and medical leave provisions of the FFCRA. However, federal employees covered by Title II of the Family and Medical Leave Act are covered by the paid sick leave provision.

Is this paid leave?

The first 10 days of this leave may be unpaid; however, employees may elect to substitute available paid time off, such as vacation, personal or sick leave, during this time.

After the initial 10 days, employers must pay eligible employees at least two-thirds of the employees' regular rate of pay (as defined under the Fair Labor Standards Act) based on the number of hours the employees would otherwise have been scheduled to work. These paid-family-leave benefits are capped at \$200 a day (or \$10,000 total).

Are there exceptions?

A small employer with fewer than 25 employees is not obligated to reinstate an employee at the end of his or her leave if the employee's position has been eliminated due to economic conditions or other changes in operating conditions of the employer caused by COVID-19, and the employer is unable to reinstate the employee to an equivalent position.

What is the effective date?

The expanded FMLA provisions take effect April 2, 2020 and expire on December 31, 2020.

PAID SICK LEAVE

Who is covered?

Employers with fewer than 500 employees and public agencies with at least one employee.

Which employees are eligible?

All employees, regardless of how long they have worked for the employer are eligible for paid sick leave, with the exception that an employer of health care providers or emergency responders may elect to exclude such employees.

How much leave is required?

Covered employers must provide full-time employees with up to 80 hours of paid sick leave if the employees are unable to work (or telework) due to COVID-19. Part-time employees are entitled to paid sick leave based on the number of hours the employees work, on average, over a two-week period.

What are the qualifying reasons for leave?

Qualifying reasons for this paid sick leave include:

1. The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. The employee is caring for an individual who is subject to either number 1 or 2 above.
5. The employee is caring for his or her son or daughter if the school or place of care of the son or daughter has been closed, or the childcare provider of such son or daughter is unavailable, due to COVID-19 precautions.
6. The employee is experiencing any other substantially similar condition specified by the secretary of health and human services in consultation with the secretary of the treasury and the secretary of labor.

What are the pay requirements?

Paid sick leave must be paid at the employee's regular rate of pay, or minimum wage, whichever is greater, for leave taken for reasons 1-3 above. An Employee taking leave for reasons 4-6 may be compensated

at two-thirds of his or her regular rate of pay, or minimum wage, whichever is greater.

What if the employee has other paid leave available?

An employer may not require an employee to use other types of paid leave provided by the employer before the employee uses the paid sick time available under this law.

What is the effective date?

The-paid-sick leave provisions take effect April 2, 2020 and expire on December 31, 2020.

HEALTH INSURANCE

A group health plan must provide coverage without any cost-sharing requirements, such as deductibles, co-payments and co-insurance, or prior authorization or other medical management requirements, for:

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TAX CREDITS FOR PAID SICK LEAVE AND PAID FMLA

A tax credit is created for each calendar quarter for an amount equal to 100 percent of the qualified sick leave wages and qualified family leave wages paid by an employer during the calendar quarter, including some costs associated with providing and maintaining a group health plan during such paid leaves.

Employers pay the paid leave and can take an immediate tax credit by retaining the amount of payroll taxes equal to the amount of qualifying sick and child care leave that they paid, rather than deposit them with the IRS.

The payroll taxes that are available for retention include withheld federal income taxes, the employee share of Social Security and Medicare taxes, and the employer share of Social Security and Medicare taxes with respect to all employees.

If the leave paid is greater than the amount of payroll taxes owed, employers will file a request for a refund from the IRS, which they expect to process in two weeks or less."

Section 5. Any previously promulgated policies for pay of exempt employees during a proclaimed or declared disaster are hereby repealed.

Section 6. This Resolution shall be effective immediate upon its passage and adoption.

PASSED AND ADOPTED THIS 25th day of March, 2020.

Evalyn W. Moore, Mayor

Attest:

Laura Scarlato, City Secretary



City of Richmond

Where History Meets Opportunity

Emergency City Commission Meeting

600 Morton Street

Monday, March 30, 2020 at 4:00 P.M

- A4. Review and consider taking action on Ordinance No. 2020-10, postponing the May 2, 2020 General Election until November 3, 2020.



**CITY COMMISSION
AGENDA ITEM COVER MEMO**

DATE: 03/30/2020

Staff Review:

City Manager _____

City Attorney _____

Finance _____

Fire Department _____

Police Department _____

Public Works _____

AGENDA ITEM: Ordinance No. 2020-10, Postponing the May 2, 2020 Mayoral election until November 3, 2020 due to the COVID 19 pandemic

SUBMITTED BY: Gary W. Smith, City Attorney

SYNOPSIS

Proposed Ordinance No. 2020-10 postpones the May 2, 2020 Mayoral election until November 3, 2020, as authorized by Governor Abbott's proclamation of March 18, 2020.

COMPREHENSIVE PLAN GOALS ADDRESSED

BACKGROUND

On March 18, 2020, in response to the COVID 19 pandemic and in an effort to combat the spread of the disease, Governor Abbott issued a proclamation authorizing local governments to postpone the May 2, 2020 election until the next uniform election date, November 3, 2020. The postponement, if approved, does not change the term of office, nor does it change the election date for the City. The postponement is optional with the City Commission.

The Governor's proclamation allows a local government to postpone only to the November uniform election date. In the case of *Swanson V. Lamb* 616 SW2d 296 (Ct.CivApp—Houston, 1st Dist, 1981) the Court held that the Governor could only authorize postponement to the next uniform election date. The Court also ruled that an election held on a nonuniform election date is a void election. While certain special elections may be held on nonuniform election dates, such dates must be authorized by the Constitution, the Governor, or a Court. The Mayoral election is a general election and must be held on a uniform election date.

Communications from John Oldham, County Elections Administrator, indicates that all other local governments either have or are expected to postpone their elections. While the City may be able to not postpone the election, it is projected that the cost of the election would be significantly higher as the cost is not being shared with other entities. Under the present circumstances, it may be difficult, and it may be unlikely, to find qualified persons to staff the polling locations.

BUDGET ANALYSIS

FUNDING SOURCE	ACCOUNT NUMBER	PROJECT CODE/NAME	FY 2020 FUNDS BUDGETED	FY 2020 FUNDS AVAILABLE	AMOUNT REQUESTED

BUDGET AMENDMENT REQUIRED? YES _____ NO X _____

Requested Amendment: N/A
 Budgeted funds estimated for FY 2020: N/A

Purchasing Review:
 Financial/Budget Review:

FORM CIQ: _____

FORM 1295 _____

SUPPORTING MATERIALS

Ordinance No. 2020-10 postponing the May 2, 2020 Mayoral election until November 3, 2020.
 Governor Abbott's proclamation.
 Emails from John Oldham, County Elections Administrator.

STAFF'S RECOMMENDATION

Staff recommends the Commission adopt Ordinance No. 2020-10.

City Manager Approval: _____

From: Oldham, John [mailto:John.Oldham@fortbendcountytexas.gov]

Sent: Thursday, March 26, 2020 8:19 PM

To: Terri Vela <tvela@richmondtx.gov>

Subject: Re: Election Questions...

Terri,

At this point everybody but Missouri City and Sugar Land have postponed and I expect them to do so on Monday.

We had planned only one EV site at the water facility and two Election Day site, one at the Water Maintenance and one at George Library. The decision is the city's but we really need to know by Monday, Tuesday morning at the latest. Bear in mind that the cost of the election will jump significantly because we will be paying overtime to our staff on the Saturday of Early Voting, but more significantly for about 16-17 hour on May 2. Normally Richmond's share of this is small, but that wont be the case this time. We also run the risk that this health crisis wont get better.

John Oldham

Laura Scarlato

From: Oldham, John
Sent: Tuesday, March 24, 2020 2:07 PM
To: Laura Scarlato
Subject: RE: MASS EMAIL (CC/EA/VR -700) - March 24, 2020 Update to COVID-19 Election Procedures

Sensitivity: Personal

From the SOS directive I forwarded

- a. **Options Other Than November 3, 2020:** The Governor's proclamation only authorized a move to November 3, 2020. There is no authority for a local political subdivision, on its own order, to move an election to any other date. If an entity would like to move to a date other than November 3, 2020, there are likely only two ways to do so:
 - i. **Emergency Election under Section 41.0011(b) of the Texas Election Code:** A local political subdivision can request permission from the Governor to allow the political subdivision to order a special election on a nonuniform election date. Please note that this only applies to special elections and not general elections
 - ii. **Court Order for Nonuniform Election Date:** As there are no other options outside of the Governor's authorization to postpone the election and the option under Section 41.0011 of the Texas Election Code, a political subdivision that wishes to hold its election on a date other than the November 3, 2020 could try to seek court order for an alternative date.

From: Laura Scarlato <lscarlato@ci.richmond.tx.us>
Sent: Tuesday, March 24, 2020 1:59 PM
To: Oldham, John <John.Oldham@fortbendcountytexas.gov>
Cc: Terri Vela <tvela@richmondtx.gov>
Subject: RE: MASS EMAIL (CC/EA/VR -700) - March 24, 2020 Update to COVID-19 Election Procedures
Sensitivity: Personal

John,

Terri asked me to ask you if it is a possibility of moving the Richmond election to combine it with the July 15th election and not wait until the November election.

Thanks,
Laura

From: Oldham, John [mailto:John.Oldham@fortbendcountytexas.gov]
Sent: Tuesday, March 24, 2020 1:51 PM
To: Mroberts-Jenkins@coatsrose.com; ljenkins@coatsrose.com; citysecretary@arcolatexas.org; citysecretary@cityofmeadowsplace.org; lscarlato@ci.richmond.tx.us; dswint@rosenbergtx.gov; Tlewis@staffordtx.gov; tharris@sugarlandtx.gov; maria.jackson@missouricitytx.gov; Robert.Scamardo@fortbendisd.com; ddaniels@sklaw.us; gfree@sphllp.com; tgoodall@smithsur.com; twahl@smithmur.com; gfree@sphllp.com; amy@mullerlawgroup.com; shaila.sreedharan@nortonrosefulbright.com; ojedam@needvilleisd.com; saustin@staffordmsd.org; tiffany.ehmke@bracewell.com; mamanna56@yahoo.com; rgerman@abhr.com; brycek@wcjc.edu; rhodess@wcjc.edu;

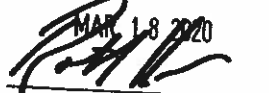


GOVERNOR GREG ABBOTT

March 18, 2020

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

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00 AM 'CLOCK

MAR 18 2020

Secretary of State

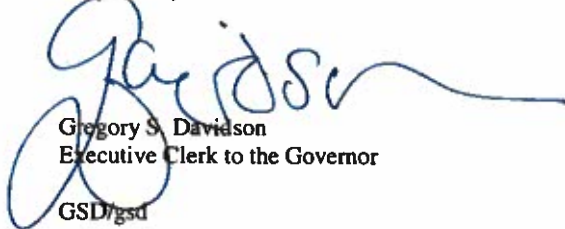
Dear Secretary Hughs:

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

A proclamation suspending Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting the term of office, and suspending Sections 31.093 and 42.0621(c) of the Texas Election Code to the extent necessary to require all county election officers, if requested by an affected political subdivision, to enter into a contract to furnish election services with any political subdivision who postponed their election to November 3, 2020, under the authority of this proclamation.

The original of this proclamation is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor
GSD/gsd

Attachment

PROCLAMATION
BY THE
Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, Section 41.001(a)(2) of the Texas Election Code provides that a general or special election in this state shall be held on a uniform election date, and the next uniform election date is occurring on May 2, 2020; and

WHEREAS, Section 49.103 of the Texas Water Code provides that certain districts governed by this provision are required to hold director elections in May of each even-numbered year; and

WHEREAS, Section 41.0052 of the Texas Election Code prescribes a procedure for a political subdivision to change a general election date, but the time for making such a change has expired; and

WHEREAS, Section 31.093 of the Texas Election Code requires a county elections administrator to enter into a contract to furnish election services upon request of a political subdivision; and

WHEREAS, Section 42.0621(c) of the Texas Election Code does not require a political subdivision to enter into a contract with a county or hold a joint election with a county on the November uniform election date; and

WHEREAS, on March 13, 2020, the Governor of Texas certified that the novel coronavirus (COVID-19) poses an imminent threat of disaster and, under the authority vested in the Governor by Section 418.014 of the Texas Government Code, declared a state of disaster for all counties in Texas; and

WHEREAS, pursuant to Section 418.016 of the Texas Government Code, the Governor has the express authority to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of a state agency if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster.

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me by the Constitution and Laws of the State of Texas, do hereby suspend Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting the term of office. I further suspend Sections 31.093 and 42.0621(c) of the Texas Election Code to the extent necessary to require all county election officers, if requested by an affected political subdivision, to enter into a contract to furnish election services with any political subdivision who postponed their election to November 3, 2020, under the authority of this proclamation.

The authority ordering the election under Section 3.004 of the Texas Election Code is the authority authorized to make the decision to postpone its election in accordance with this proclamation.

Current office holders will hold over to the extent authorized by Article XVI, Section 17 of the Texas Constitution.

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00AM O'CLOCK

MAR 18 2020



IN TESTIMONY WHEREOF, I
have hereto signed my name and
have officially caused the Seal of
State to be affixed at my office in the
City of Austin, Texas, this the 18th
day of March, 2020.

Handwritten signature of Greg Abbott in black ink.

GREG ABBOTT
Governor of Texas

ATTESTED BY:

Handwritten signature of Ruth R. Hughs in black ink.

RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00AM O'CLOCK

MAR 18 2020



ORDINANCE NO. 2020-10

AN ORDINANCE OF THE CITY OF RICHMOND, TEXAS, POSTPONING THE GENERAL ELECTION TO BE HELD ON MAY 2, 2020, FOR THE PURPOSE OF ELECTING A MAYOR FOR A TERM OF OFFICE FROM 2020 TO 2023 TO NOVEMBER 3, 2020 PURSUANT TO PROCLAMATION FROM GOVERNOR GREGORY ABBOTT; PROVIDING FOR A JOINT ELECTION WITH OTHER ENTITIES CONTRACTING WITH FORT BEND COUNTY FOR THIS JOINT ELECTION; PROVIDING FOR ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

WHEREAS, in December 2019 a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubel Province, China. Symptoms of COVID-10 include fever, cough and shortness of breath. Outcomes have ranged from mild to severe illness; and

WHEREAS, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern ("PHEIC"), and advised countries to prepare for the containment, detection, isolation and case management, contact tracing and prevention of onward spread of the disease; and

WHEREAS, the identification of "community spread" cases of COVID-19 in the United States could potentially signal transmission of the virus may no longer be limited to travel to China, or contact with travelers who have visited China; and

WHEREAS, the Governor has issued a proclamation suspending certain provisions of the Texas Election Code and the Texas Water Code to allow all local political subdivisions that are utilizing the May 2, 2020 uniform election date to postpone their elections to the November 3, 2020 uniform election date; **Now, Therefore**,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF RICHMOND, TEXAS:

Section 1. Pursuant to the proclamation from Governor Gregory Abbott, which authorizes the City Commission to make the determination to postpone the Uniform

Election Date of May 2, 2020 to the Uniform Election Date of November 3, 2020, the City Commission hereby approves and votes to exercise said authority and postponing the May 2, 2020 election to November 3, 2020.

Section 2. All applications for a ballot by mail ("ABBM") for voters that are voting by mail due to being over age sixty-five (65) or due to a disability will **STILL BE VALID** for the November 3, 2020 election, and the ABBMs for voters who submitted ABBMs based upon an expected absence from the county will **NOT BE VALID** for the November 3, 2020 election.

Section 3. The following dates will be followed for the November 3, 2020 Uniform Election Date:

- Voter registration deadline - Monday, October 5, 2020
- Deadline to submit an application for ballot by mail - October 23, 2020
- Early voting dates - Monday, October 19, 2020 through Friday, October 30, 2020
- Last day of Early Voting by Personal Appearance - Friday, October 30, 2020
- Last day to receive ballot by mail - Tuesday, November 3, 2020 at 7:00 PM if carrier envelope is **NOT** postmarked, **OR** Wednesday, November 4, 2020 (next business day after Election Day) at 5:00 PM if carrier envelope is postmarked by 7:00 PM at the location of the election on Election Day (subject to overseas or military voter deadlines)
- Election Day - November 3, 2020.

Section 4. No later than August 17, 2020, the City Commission will make any necessary revisions of this order of election. Such revisions include, but are not limited to, change the date of the election; change the location of the main early voting location; changes to the early voting dates and hours; including weekend early voting; any changes to the identity of the early voting clerk and their contact information or any changes to branch early voting locations.

Section 5. The City Secretary shall cause the caption of this ordinance to be posted on the City's website and shall be published in the City's official newspaper.

Section 6. This Ordinance shall be and become effective immediately upon and after its passage and approval.

Section 7. Repeal. Any ordinance or other part of any other ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

Section 8. Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Commission of the City of Richmond, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED AND APPROVED on this the 30th day of March, 2020.

Evalyn W. Moore, Mayor

ATTEST:

APPROVED AS TO FORM:

Laura Scarlato, City Secretary

Gary W. Smith, City Attorney



City of Richmond

Where History Meets Opportunity

Emergency City Commission Meeting

600 Morton Street

Monday, March 30, 2020 at 4:00 P.M

- A5. Review and consider taking action on Ordinance No. 2020-11, Affirm the Public Health Emergency Declarations including the revisions for the City of Richmond.



**CITY COMMISSION
AGENDA ITEM COVER MEMO**

DATE: 03/30/2020

Staff Review:

City Manager _____

City Attorney _____

Finance _____

Fire Department _____

Police Department _____

Public Works _____

AGENDA ITEM: Ordinance No. 2020-11, Ratifying the Mayor's three Emergency Orders relating to the COVID 19 pandemic

SUBMITTED BY: Gary W. Smith, City Attorney

SYNOPSIS

On March 18, 2020, March 23, 2020, and March 24, 2020, Mayor Moore, under authority of Chapter 418, Texas Government Code, issued Orders consistent with the orders of Texas Governor Greg Abbott and Fort Bend County Judge KP George for combatting the spread of COVID 19.

The proposed ordinance ratifies the Mayor's Orders.

COMPREHENSIVE PLAN GOALS ADDRESSED

BACKGROUND

On March 18, Mayor Moore issued an Emergency Order closing certain businesses and restricting gatherings of more than 10 persons.

On March 23, Mayor Moore issued the Second and Restated Order clarifying the prior order and adopting the "All of Community" approach, closing other businesses and further restricting gatherings of persons.

On March 24, Mayor Moore issued the Third and Restated Order adopting the "/stay Home Work Safe" program closing businesses and providing exceptions for essential activities. To combat the spread of COVID 19 .

The proposed ordinance ratifies and extends the Orders.

BUDGET ANALYSIS

FUNDING SOURCE	ACCOUNT NUMBER	PROJECT CODE/NAME	FY 2020 FUNDS BUDGETED	FY 2020 FUNDS AVAILABLE	AMOUNT REQUESTED

BUDGET AMENDMENT REQUIRED? YES _____ NO _____

Requested Amendment: N/A

Budgeted funds estimated for FY 2020: N/A

Purchasing Review:

Financial/Budget Review:

FORM CIQ: _____

FORM 1295 _____

SUPPORTING MATERIALS

Ordinance No. 2020-__ ratifying the Orders related to COVID 19 pandemic.

Third and Restated Order.

STAFF'S RECOMMENDATION

Staff recommends the Commission adopt Ordinance No. 2020-__.

City Manager Approval: _____



ORDINANCE NO. 2020-11

AN ORDINANCE OF THE CITY OF RICHMOND, TEXAS, RATIFYING THE MAYOR'S ORDERS CLOSING BUSINESSES AND LIMITING THE GATHERINGS OF PERSONS IN RESPONSE TO THE COVID 19 PANDEMIC; PROVIDING FOR THE TERMINATION OF THE ORDER; PROVIDING FOR A PENALTY; PROVIDING FOR REPEAL; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

Whereas, on March 13, 2020, a Declaration of Local Disaster for Public Health Emergency was issued to allow the City of Richmond to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Richmond residents; and

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, on March 16, 2020, President Donald 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; and

Whereas, on March 16, 2020, the City Commission at a Meeting of City Commission approved an extension of the Declaration of Local Disaster for Public Health Emergency; and

Whereas, on March 18, 2020, due to the substantial risks to the public, by Order of the Mayor of Richmond, certain establishments were ordered closed to implement the "All of Community" approach, as recommended by the Centers for Disease Control and Prevention ("CDC"), focused on slowing the transmission of COVID-19 through social distancing to reduce illness and death, while minimizing social and economic impacts; and

Whereas, on March 23, 2020, a Second Amended and Restated Order was issued to clarify and restate the extraordinary measures that must be taken to protect the public; and

Whereas, due to the continued rapid spread of COVID-19, additional measures are necessary to protect the ability of the public and private health care providers to handle the influx of new patients, and safeguard public health and safety through the "All of Community" approach;

Whereas, on March 24, 2020, a Third Amended and Restated Order was issued to protect the public and private health care system and the economic health of the community through the "Stay Home Work Safe" program;

Whereas, due to the continued rapid spread of COVID-19, additional measures are necessary to protect the ability of the public and private health care providers to handle the influx of new patients, and safeguard public health and safety through the use of mandates to remain at home, except for certain essential activities and work to provide essential business and government services or perform essential business and public infrastructure Now, Therefore,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF RICHMOND:

Section 1. The facts and findings set forth in the preamble to this Ordinance are found to be true and correct.

Section 2. The City Commission hereby ratifies and extends the March 18, 2020 order of the Mayor ordering as follows:

All Richmond restaurants and other establishments that serve food will be limited to take-out, delivery, and drive-through services. All Richmond bars and other business establishments that serve alcohol and do not serve food will close for operation -- including nightclubs, lounges, taverns or arcades and private clubs. These measures are effective at 11:59 p.m. March 18, 2020 and continuing until 11:59 p.m. on March 31, 2020.

Violations should be reported to the city for follow-up compliance efforts.

In addition, all other gatherings at places such as gyms, theaters, and shopping malls should be limited to no more than 10 people.

These measures follow actions based on new guidelines issued by Fort Bend County and the Centers for Disease Control. They are intended to protect the public and help limit the spread of COVID-19 in the greater Houston region, and they are consistent with the City of Richmond's disaster declaration that follows Fort Bend County's guidelines and actions taken by Texas Gov. Greg Abbott.

The following community mitigation initiatives continue through March 27, 2020, at which time the restrictions will be reevaluated.

- Bars must suspend service.
- Restaurants must limit service to delivery, take-out, and pick-up options instead of sit-down dining.
- Any event of more than 10 people sponsored or permitted by the City of Richmond will cease.
- Municipal Court appearances, trials, and arraignments are canceled. All cases will be reset.
- All community meetings sponsored by the city will be postponed.

Other gatherings of seniors or other people at higher risk of severe illness should be canceled or postponed. Those at higher risk include people 60 and older, people with underlying health conditions (e.g. heart disease, lung disease, diabetes, mellitus, cancer, hypertension, etc.), people who have weakened immune systems, and pregnant women.

- Washing hands and cleaning surfaces remains important, so the City of Richmond will not discontinue water service for anyone through March 31; however, outstanding bills will not be waived.

- Any event or gathering of more than 10 people held at private facilities are urged to cancel but should make those determinations within their organizations and with staff of those facilities.
- Events under 10 people should be considered for postponement.
- Nursing homes and senior living centers should limit visitation of the public within their facilities.
- Employers should take steps to make it more feasible for their employees to work in ways that minimize close contact with large numbers of people. Maximize telecommuting options and consider staggering start and end times.
- Senior living facilities, assisted living facilities, and other facilities with populations at higher risk for COVID-19 should limit interactions with the general public. This includes reducing large gatherings, limiting programs with external staff, consider having residents stay inside, limiting visitors, and screening people entering the facility.
- Faith-based organizations and communities should implement social distancing measures to minimize close contact with groups of 10 or more people. This includes group congregation and religious services, especially for organizations who are at increased risk.

Section 3. The City Commission hereby ratifies and extends the Second Amended and Restated Order of the Mayor ordering as follows:

- (a) Restaurants and other establishments that serve food, with or without drive-in or drive-through services are prohibited from serving food for consumption on the premises and may only serve food and/or alcohol by take out, delivery, or drive-through services as allowed by law.
- (b) All bars, nightclubs, lounges, taverns, adult entertainment establishments, arcades and private clubs that serve alcohol for consumption on the premises and do not serve food shall close. Those establishments that serve alcohol for consumption on the premises and food may remain open solely for the purpose of serving food in accordance with section (a) above.
- (c) Gyms, fitness centers, and other facilities that are used or intended to be used for any type of training, martial arts, or sport shall close.
- (d) Hair and nail salons, spas, massage and tattoo parlors, movie theaters, game rooms, and bingo halls shall close.
- (e) Access to City of Richmond offices and facilities shall be limited as to the public for essential functions only, i.e., (court obligations and/or required payments). Please contact the appropriate department or court for authorization to appear.
- (f) In accordance with current CDC guidelines, persons shall not congregate in numbers conducive to community spread of the COVID-19 virus. Notwithstanding other provisions of this Order, peace officers, as

defined by Article 2.12 of the Texas Code of Criminal Procedure, are authorized to enforce this provision to ensure compliance with current CDC guidelines.

(g) Any person who knows they have tested positive for or has been diagnosed with COVID-19 shall abide by any order or instruction provided to them by an authorized medical professional or a local health authority to quarantine themselves.

(h) This Order does not apply to:

(i) Restaurants and other establishments that serve food located in hospitals, long-term medical care facilities, rehabilitation or medical facilities, child care facilities, group homes, crisis and homeless shelters, assisted living facilities, retirement communities, congregate care facilities, long term care facilities, jails and detention facilities, and

(ii) Grocery stores, gas stations, pharmacies, and banks. However, these establishments are encouraged to comply with the necessary precautions to reduce the transmission of COVID-19, including the practice of Social Distancing and other measures in accordance with current CDC guidelines.

Section 4. The City Commission hereby ratifies and extends the Third Amended and Restated Order of the Mayor ordering as follows:

(A) All individuals currently living within Richmond are ordered to Stay Home and Work Safe at their place of residence; and

(i) For the purposes of this Order, residences include hotels, motels, shared rentals, and similar facilities; and

(ii) To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably as possible follow Social Distancing of at least six feet and other measures in accordance with current CDC guidelines when they are outside their residence; and

(iii) 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 4; and

(iv) All persons experiencing homelessness are exempt from this Order but are strongly urged to obtain shelter, and governmental and other entities are urged to make such shelter available as soon as possible and to the extent practicable

(B) 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.

- (C) All businesses operating within Richmond, except Essential Businesses as defined in below in SECTION 4, 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 Social Distancing of at least six feet and other measures in accordance with current CDC guidelines for both employees and the general public.
- (D) Access to City of Richmond offices and facilities shall be limited as to the public for essential functions only, i.e., (court obligations and/or required payments). Please contact the appropriate department or court for authorization to appear.
- (E) Any person who knows they have tested positive for or has been diagnosed with COVID-19, or anyone who shares a household with such person shall abide by any order or instruction provided to them by an authorized medical professional or a local health authority to quarantine themselves.
- (F) 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 Social Distancing of at least six feet and other measures in accordance with current CDC guidelines.
- (G) Any restrictions on hours of delivery for transport to or from any entity involved in the selling or distribution of food products, medicine, or medical supplies in Richmond shall hereby be suspended for the duration of this Order to facilitate timely and efficient delivery of necessary products during this critical time.

SECTION 4. Definitions:

- (A) For purposes of this Order, provided measures are taken to comply with the necessary precautions to reduce the transmission of COVID-19, including the practice of Social Distancing of at least six feet and other measures in accordance with current CDC guidelines, individuals may leave their residence only to perform any of the following "**Essential Activities**" and to receive such goods and/or services from Essential Businesses as defined below:
 - (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); and
 - (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;

and

- (iii) To engage in outdoor activity, (for example, walking, biking, hiking, or running). Individuals may go to public parks and open outdoor recreation areas. However, playgrounds may increase spread of COVID-19, and therefore shall be closed; and
- (iv) To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order; and
- (v) To care for a family member or pet in another household.

(B) For purposes of this Order, the following "**Essential Businesses**" shall not be required to cease all activities at facilities located within the City provided such establishments, comply with the necessary precautions, to the greatest extent possible to reduce the transmission of COVID-19, including the practice of Social Distancing of at least six feet and other measures in accordance with current CDC guidelines :

- (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; and
 - (a) Home-based and residential-based care for seniors, adults, or children are also considered healthcare operations; and
 - (b) Healthcare operations also includes veterinary care and all health and welfare services provided to animals; and
 - (c) Healthcare operations do not include elective medical, surgical, and dental procedures, nor fitness and exercise gyms and similar operations; and
 - (d) This exemption shall be viewed broadly to avoid any impacts to the delivery of healthcare.
- (ii) **Essential Government Functions.** All services provided by the City, other local governments, and special districts within the City of Richmond needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public, including Essential Critical Infrastructure. Further, nothing in this order shall prohibit any individual from performing or accessing "Essential Government Functions."
- (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, title companies, 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.

(iv) **Essential Retail.**

- (a) Food service providers, including grocery stores, warehouse stores, big-box 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; and
- (b) Businesses that ship or deliver groceries, food, goods or services directly to residences; and
- (c) Restaurants and other establishments that serve food located in hospitals, long-term medical care facilities, rehabilitation or medical facilities, child care facilities, group homes, crisis and homeless shelters, assisted living facilities, retirement communities, congregate care facilities, long term care facilities, jails and detention facilities; and
- (d) Restaurants and other establishments that serve food not included in the preceding subsection, with or without drive-in or drive-through services limited to serving food and/or alcohol by take out, delivery, or drive-through services as allowed by law. However, such restaurants and other establishments are prohibited from serving food for consumption on the premises; and
- (e) 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; and
- (f) Laundromats, dry cleaners, and laundry service providers; and
- (g) Auto sales, auto service departments, auto supply, auto repair, and bicycle repair, hardware stores, and related facilities; and
- (h) Businesses that supply products needed for people to work from home; and
- (i) Hotels and other temporary residential facilities.

(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.**

- (a) Plumbers, electricians, exterminators (pest control services), refrigeration and air conditioning and heating services, yard maintenance and landscaping services, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences and Essential Businesses; and
- (b) Trash and recycling collection, processing and disposal, building cleaning, maintenance and security, warehouse /distribution and fulfillment, storage for residences and Essential Businesses; and
- (c) Services provided by caregivers and helpers who provide services to seniors and disabled individuals; and
- (d) Mail and shipping services; and
- (e) Funeral homes, crematoriums and cemeteries; and
- (f) Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities; and
- (g) Businesses that supply other essential businesses with support or supplies needed to operate, including employment agencies.

(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.

(ix) **Exemptions Available.** Any manufacturer who retools so that a substantial part of their business is for the purpose of manufacturing and producing products necessary to address the hazards of COVID-19 such as masks, ventilators, hand sanitizer, and other support to essential services may apply for an "essential business" exemption under this Order, granted by the City of Richmond or Fort Bend County Emergency Management Coordinator.

Section 5. The Mayor's Order dated March 18, 2020, the Second Amended and Restated Order, and the Third Amended and Restated Order are extended until further action of the City Commission.

Section 6. *Repeal.* Any ordinance or other part of any other ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

Section 7. *Penalty.* Any person, firm partnership, association, corporation, company, or organization of any kind who or which violates any provision of this mandatory curfew order shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00). Each day during which said violation shall exist or occur shall constitute a separate offense.

Section 8. *Severability.* In the event any section, paragraph, subdivision, clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Commission of the City of Richmond, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 9. *Effective Date.* This Ordinance shall be effective from and after its adoption and publication.

PASSED AND ADOPTED THIS 30th day of March, 2020.

Evalyn W. Moore, Mayor

Attest:

Approved as to form:

Laura Scarlato, City Secretary

Gary W. Smith, City Attorney

EVALYN W. MOORE
MAYOR

BARRY BEARD
ALEX BEMENT
CARL DROZD
TERRY GAUL
COMMISSIONERS

City of Richmond

402 Morton Street
Richmond, TX 77469
(281) 342-5456



DECLARATION OF LOCAL DISASTER FOR PUBLIC HEALTH EMERGENCY

WHEREAS, beginning in December 2019, a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China, and has since spread throughout the world; and,

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

WHEREAS, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern (PHEIC), advising countries to prepare for the containment, detection, isolation and case management, contact tracing and prevention of onward spread of the disease; and

WHEREAS, the first presumptive positive case of COVID-19 in Texas occurred in Fort Bend County, positive cases of COVID 19 have occurred in the extraterritorial jurisdiction of the City of Richmond, and there are now 6 cases in Fort Bend County and 16 in the greater Houston area. Now there is evidence of community spread in the Texas region that includes Fort Bend County. In an effort to protect our most vulnerable residents; and,

WHEREAS, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease, including isolation, surveillance, quarantine, or placement of person under public health observation, including the provision of temporary housing or emergency shelters for persons displaced or evacuated and request assistance from the governor for state resources; and

WHEREAS, by this Declaration of Public Health Emergency, I declare all rules and regulations that may inhibit or prevent prompt response to this threat suspended for the duration of the incident; and

WHEREAS, pursuant to the authority grant to the Mayor under Chapter 418, Texas Government Code, I authorize the use of all available resources of state government and political subdivisions to assist in the City's response to this situation; and

WHEREAS, extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout Richmond, including the quarantine of individuals, groups of individuals, and property and,

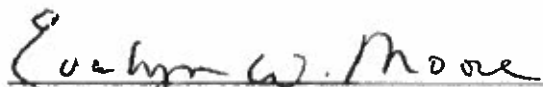
additionally, including compelling individuals, groups of individuals, or property to undergo additional health measures that prevent or control the spread of disease; and

WHEREAS, I, Evalyn W. Moore, the Mayor the City of Richmond have determined that extraordinary and immediate measures must be taken to respond quickly, prevent and alleviate the suffering of people exposed to and those infected with the virus, as well as those that could potentially be infected or impacted by COVID-19;

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

1. That a local state of disaster and public health emergency is hereby declared for the City of Richmond, Texas, pursuant to section 418.108(a) of the Texas Government Code.
2. Pursuant to section 418.108(b) of the Government Code, the state of disaster for public health emergency shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed by the City Commission of Richmond, Texas.
3. Pursuant to section 418.108(c) of the Government Code, this declaration of a local state of disaster for public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
4. Pursuant to section 418.108 (d) of the Government Code, this declaration of a local state of disaster activates the City of Richmond emergency management plan
5. Pursuant to section 418.020(c) of the Government Code, this declaration authorizes the City to commandeer or use any private property, temporarily acquire, by lease or other means, sites required for temporary housing units or emergency shelters for evacuees, subject to compensation requirements.
6. Any individual, group of individuals, or property subject to a Local Health Authority Order restricting the movement of that individual or group of individuals or restricting movement to, from, or within that property, shall limit ingress and egress and take such measures as specified by that Local Health Authority Order.
7. That this declaration shall take effect immediately from and after its issuance.

DECLARED this the 13th day of March, 2020.



Evalyn W. Moore, Mayor



CITY OF RICHMOND, TEXAS ORDER BY MAYOR EVALYN W. MOORE

By order of Mayor Evalyn W. Moore, all Richmond restaurants and other establishments that serve food will be limited to take-out, delivery, and drive-through services. All Richmond bars and other business establishments that serve alcohol and do not serve food will close for operation – including nightclubs, lounges, taverns or arcades and private clubs. These measures are effective at 11:59 p.m. March 18, 2020 and continuing until 11:59 p.m. on March 31, 2020.

Violations should be reported to the city for follow-up compliance efforts.

In addition, all other gatherings at places such as gyms, theaters, and shopping malls should be limited to no more than 10 people.

These measures follow actions based on new guidelines issued by Fort Bend County and the Centers for Disease Control. They are intended to protect the public and help limit the spread of COVID-19 in the greater Houston region, and they are consistent with the City of Richmond's disaster declaration that follows Fort Bend County's guidelines and actions taken by Texas Gov. Greg Abbott.

The following community mitigation initiatives continue through March 27, 2020, at which time the restrictions will be reevaluated.

- Bars must suspend service.
- Restaurants must limit service to delivery, take-out, and pick-up options instead of sit-down dining.
- Any event of more than 10 people sponsored or permitted by the City of Richmond will cease.
- Municipal Court appearances, trials, and arraignments are canceled. All cases will be reset.
- All community meetings sponsored by the city will be postponed.
- Other gatherings of seniors or other people at higher risk of severe illness should be canceled or postponed. Those at higher risk include people 60 and older, people with underlying health conditions (e.g. heart disease, lung disease, diabetes, mellitus, cancer, hypertension, etc.), people who have weakened immune systems, and pregnant women.
- Washing hands and cleaning surfaces remains important, so the City of Richmond will not discontinue water service for anyone through March 31; however, outstanding bills will not be waived.
- Any event or gathering of more than 10 people held at private facilities are urged to cancel but should make those determinations within their organizations and with staff of those facilities.
- Events under 10 people should be considered for postponement.
- Nursing homes and senior living centers should limit visitation of the public within their facilities.

CITY OF RICHMOND, TEXAS
ORDER BY MAYOR EVALYN W. MOORE

- Employers should take steps to make it more feasible for their employees to work in ways that minimize close contact with large numbers of people. Maximize telecommuting options and consider staggering start and end times.
- Senior living facilities, assisted living facilities, and other facilities with populations at higher risk for COVID-19 should limit interactions with the general public. This includes reducing large gatherings, limiting programs with external staff, consider having residents stay inside, limiting visitors, and screening people entering the facility.
- Faith-based organizations and communities should implement social distancing measures to minimize close contact with groups of 10 or more people. This includes group congregation and religious services, especially for organizations who are at increased risk.

The Fort Bend County Health and Human Services Department is managing the local response. The City continues to work closely with other agencies and meet on a daily basis to ensure city leaders have all the facts and make decisions based on advice from health experts. At this time, the city remains open for normal business; however, non-essential meetings and activities are being curtailed.

For accurate and reliable information, please be sure to visit the following resources. They are the authoritative sources of information.

- Texas Department of Health and Human Services <https://dshs.texas.gov/coronavirus/>
- Fort Bend Health and Human Services <https://www.fbchealth.org/ncov>
- Centers for Disease Control and Prevention (CDC) <https://www.cdc.gov/coronavirus>



Evalyn W. Moore, Mayor

ATTEST:



Laura Scarlato, City Secretary



SECOND AMENDED AND RESTATED ORDER BY THE MAYOR OF THE CITY OF RICHMOND

WHEREAS, on March 13, 2020, a Declaration of Local Disaster for Public Health Emergency was issued to allow the City of Richmond to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Richmond residents and such Declaration was extended by Order of the City Commission on March 16, 2020; and

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, on March 18, 2020, due to the substantial risks to the public, by Order of the Mayor of the City of Richmond, certain establishments were ordered closed to implement the "All of Community" approach, as recommended by the Centers for Disease Control and Prevention ("CDC"), focused on slowing the transmission of COVID-19 through social distancing to reduce illness and death, while minimizing social and economic impacts; and

Whereas, clarification and restatement of the extraordinary measures that must be taken to protect the public is necessary.

NOWHEREFORE, I, MAYOR OF THE CITY OF RICHMOND, TEXAS, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER:

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

SECTION 2. This Order shall be read to comply with Executive Order No. GA-08 signed on March 19, 2020 at 11:59 a.m. by Texas Governor Greg Abbott, which regulates gatherings of groups of 10 or more people, closes gyms and licensed massage businesses; prohibits visitation to nursing homes or retirement or long-term care facilities unless to provide critical assistance; and temporarily closes schools.

SECTION 3. Effective as of 12:01 a.m., March 24, 2020, and continuing through 11:59 p.m. on April 3, 2020, unless a declaration of the local disaster for public health emergency is no longer in effect:

(a) Restaurants and other establishments that serve food, with or without drive-in or drive-through services are prohibited from serving food for consumption on the premises and may only serve food and/or alcohol by take out, delivery, or drive-through services as allowed by law.

(b) All bars, nightclubs, lounges, taverns, adult entertainment establishments, arcades and private clubs that serve alcohol for consumption on the premises and do not serve food shall close. Those establishments that serve alcohol for consumption on the premises and food may remain open solely for the purpose of serving food in accordance with section (a) above.

(c) Gyms, fitness centers, and other facilities that are used or intended to be used for any type of training, martial arts, or sport shall close.

(d) Hair and nail salons, spas, massage and tattoo parlors, movie theaters, game rooms, and bingo halls shall close.

(e) Access to City of Richmond offices and facilities shall be limited as to the public for essential functions only, i.e., (court obligations and/or required payments). Please contact the appropriate department or court for authorization to appear.

(f) In accordance with current CDC guidelines, persons shall not congregate in numbers conducive to community spread of the COVID-19 virus. Notwithstanding other provisions of this Order, peace officers, as defined by Article 2.12 of the Texas Code of Criminal Procedure, are authorized to enforce this provision to ensure compliance with current CDC guidelines.

(g) Any person who knows they have tested positive for or has been diagnosed with COVID-19 shall abide by any order or instruction provided to them by an authorized medical professional or a local health authority to quarantine themselves.

(h) This Order does not apply to:

(i) Restaurants and other establishments that serve food located in hospitals, long-term medical care facilities, rehabilitation or medical facilities, child care facilities, group homes, crisis and homeless shelters, assisted living facilities, retirement communities, congregate care facilities, long term care facilities, jails and detention facilities, and

(ii) Grocery stores, gas stations, pharmacies, and banks. However, these establishments are encouraged to comply with the necessary precautions to reduce the transmission of COVID-19, including the practice of Social Distancing and other measures in accordance with current CDC guidelines.

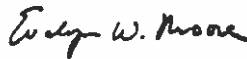
SECTION 4: Pursuant to Annex U, Section V. (A) (4) (a) of the Fort Bend County Emergency

Operations Plan accepted by the City Commission on May 20, 2019, and in accordance with Texas Government Code §418.173, the City of Richmond Police Department, the City of Richmond Fire Marshal's Office, and other peace officers, as defined by Article 2.12 of the Texas Code of Criminal Procedure, are hereby authorized to enforce this order, and the failure to comply with this Order is an offense punishable by a fine of up to \$1,000 or confinement in jail for a term of up to 180 days.

SECTION 5: The City of Richmond will post this Order on its 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 this Order.

SECTION 6: This Order applies to all areas within the boundaries of the City of Richmond.

ORDERED this the 23rd day of March, 2020



Evalyn W. Moore Mayor

ATTEST:



Laura Scarlato, City Secretary



THIRD AMENDED AND RESTATED ORDER BY THE MAYOR THE CITY OF RICHMOND

Whereas, on March 13, 2020, a Declaration of Local Disaster for Public Health Emergency was issued to allow the City of Richmond to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Richmond residents; and

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, on March 16, 2020, President Donald 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; and

Whereas, on March 16, 2020, the City Commission at a Meeting of City Commission approved an extension of the Declaration of Local Disaster for Public Health Emergency; and

Whereas, on March 18, 2020, due to the substantial risks to the public, by Order of the Mayor of Richmond, certain establishments were ordered closed to implement the "All of Community" approach, as recommended by the Centers for Disease Control and Prevention ("CDC"), focused on slowing the transmission of COVID-19 through social distancing to reduce illness and death, while minimizing social and economic impacts; and

Whereas, on March 23, 2020, a Second Amended and Restated Order was issued to clarify and restate the extraordinary measures that must be taken to protect the public; and

Whereas, due to the continued rapid spread of COVID-19, additional measures are necessary to protect the ability of the public and private health care providers to handle the influx of new patients, and safeguard public health and safety through the use of mandates to remain at home, except for certain essential activities and work to provide essential business and government services or perform essential business and public infrastructure.

NOW THEREFORE, I, MAYOR OF RICHMOND, TEXAS, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER:

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

SECTION 2. That this Order shall be read to comply with Executive Order No. GA-08 signed on March 19, 2020, at 11:59 a.m., by Texas Governor Greg Abbott, which: regulates gatherings of

groups of 10 or more people; closes gyms and licensed massage businesses; prohibits visitation to nursing homes or retirement or long-term care facilities unless to provide critical assistance; and temporarily closes schools.

SECTION 3. Effective as of 12:01 a.m., March 25, 2020, and continuing through 11:59 p.m. on April 3, 2020, unless a declaration of the local disaster for public health emergency is no longer in effect, and subject to the limited exceptions and under the terms and conditions more particularly set forth below:

(A) All individuals currently living within Richmond are ordered to Stay Home and Work Safe at their place of residence; and

(i) For the purposes of this Order, residences include hotels, motels, shared rentals, and similar facilities; and

(ii) To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably as possible follow Social Distancing of at least six feet and other measures in accordance with current CDC guidelines when they are outside their residence; and

(iii) 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 4; and

(iv) All persons experiencing homelessness are exempt from this Order but are strongly urged to obtain shelter, and governmental and other entities are urged to make such shelter available as soon as possible and to the extent practicable

(B) 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.

(C) All businesses operating within Richmond, except Essential Businesses as defined in below in SECTION 4, 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 Social Distancing of at least six feet and other measures in accordance with current CDC guidelines for both employees and the general public.

(D) Access to City of Richmond offices and facilities shall be limited as to the public for essential functions only, i.e., (court obligations and/or required payments). Please contact the appropriate department or court for authorization to appear.

(E) Any person who knows they have tested positive for or has been diagnosed with COVID-19, or anyone who shares a household with such person shall abide by any order or instruction provided to them by an authorized medical professional or a local health authority to quarantine themselves.

(F) 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 Social Distancing of at least six feet and other measures in accordance with current CDC guidelines.

- (G) Any restrictions on hours of delivery for transport to or from any entity involved in the selling or distribution of food products, medicine, or medical supplies in Richmond shall hereby be suspended for the duration of this Order to facilitate timely and efficient delivery of necessary products during this critical time.

SECTION 4. Definitions:

- (A) For purposes of this Order, provided measures are taken to comply with the necessary precautions to reduce the transmission of COVID-19, including the practice of Social Distancing of at least six feet and other measures in accordance with current CDC guidelines, individuals may leave their residence only to perform any of the following "**Essential Activities**" and to receive such goods and/or services from Essential Businesses as defined below:

- (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); and
- (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; and
- (iii) To engage in outdoor activity. (for example, walking, biking, hiking, or running). Individuals may go to public parks and open outdoor recreation areas. However, playgrounds may increase spread of COVID-19, and therefore shall be closed; and
- (iv) To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order: and
- (v) To care for a family member or pet in another household.

- (B) For purposes of this Order, the following "**Essential Businesses**" shall not be required to cease all activities at facilities located within the City provided such establishments, comply with the necessary precautions, to the greatest extent possible to reduce the transmission of COVID-19, including the practice of Social Distancing of at least six feet and other measures in accordance with current CDC guidelines:

- (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; and

- (a) Home-based and residential-based care for seniors, adults, or children are also considered healthcare operations; and
 - (b) Healthcare operations also includes veterinary care and all health and welfare services provided to animals; and
 - (c) Healthcare operations do not include elective medical, surgical, and dental procedures, nor fitness and exercise gyms and similar operations; and
 - (d) This exemption shall be viewed broadly to avoid any impacts to the delivery of healthcare.
- (ii) **Essential Government Functions.** All services provided by the City, other local governments, and special districts within the City of Richmond needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public, including Essential Critical Infrastructure. Further, nothing in this order shall prohibit any individual from performing or accessing "Essential Government Functions."
 - (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, title companies, 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.
 - (iv) **Essential Retail.**
 - (a) Food service providers, including grocery stores, warehouse stores, big-box 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; and
 - (b) Businesses that ship or deliver groceries, food, goods or services directly to residences; and
 - (c) Restaurants and other establishments that serve food located in hospitals, long-term medical care facilities, rehabilitation or medical facilities, child care facilities, group homes, crisis and homeless shelters, assisted living facilities, retirement communities, congregate care facilities, long term care facilities, jails and detention facilities; and
 - (d) Restaurants and other establishments that serve food not included in the preceding subsection, with or without drive-in or drive-through services limited to serving food and/or alcohol by take out, delivery, or drive-through services as allowed by law. However, such restaurants and other establishments are prohibited from serving food for consumption on

- the premises; and
- (e) 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; and
- (f) Laundromats, dry cleaners, and laundry service providers; and
- (g) Auto sales, auto service departments, auto supply, auto repair, and bicycle repair, hardware stores, and related facilities; and
- (h) Businesses that supply products needed for people to work from home; and
- (i) Hotels and other temporary residential facilities.
- (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.**
 - (a) Plumbers, electricians, exterminators (pest control services), refrigeration and air conditioning and heating services, yard maintenance and landscaping services, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences and Essential Businesses; and
 - (b) Trash and recycling collection, processing and disposal, building cleaning, maintenance and security, warehouse /distribution and fulfillment, storage for residences and Essential Businesses; and
 - (c) Services provided by caregivers and helpers who provide services to seniors and disabled individuals; and
 - (d) Mail and shipping services; and
 - (e) Funeral homes, crematoriums and cemeteries; and
 - (f) Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities; and
 - (g) Businesses that supply other essential businesses with support or supplies needed to operate, including employment agencies.
- (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.
- (ix) **Exemptions Available.** Any manufacturer who retools so that a substantial part of their business is for the purpose of manufacturing and producing products necessary to address the hazards of

COVID-19 such as masks, ventilators, hand sanitizer, and other support to essential services may apply for an "essential business" exemption under this Order, granted by the City of Richmond or Fort Bend County Emergency Management Coordinator.

SECTION 5. Pursuant to Annex U, Section V. (A) (4) (a) of the Fort Bend County Emergency Operations Plan accepted by City Commission on May 20, 2019, and in accordance with Texas Government Code §418.173, the Richmond Police Department, the Richmond Fire Marshal's Office, and other peace officers, as defined by Article 2.12 of the Texas Code of Criminal Procedure, are hereby authorized to enforce this order, and the failure to comply with this Order is an offense punishable by a fine of up to \$1,000 or confinement in jail for a term of up to 180 days.

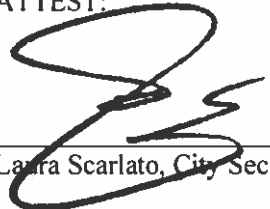
SECTION 6. The City of Richmond will post this Order on its website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy. 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 this Order.

SECTION 7. This Order applies to all areas within the boundaries of City of Richmond and shall be effective until 11:59 p.m. on April 3, 2020, unless a declaration of the local disaster for public health emergency is no longer in effect.

ORDERED this the 24th day of March, 2020.



Evalyn W. Moore, Mayor

ATTEST:


Laura Scarlato, City Secretary



City of Richmond

Where History Meets Opportunity

Emergency City Commission Meeting

600 Morton Street

Monday, March 30, 2020 at 4:00 P.M

A6. Consider taking action on requests for future agenda items.



City of Richmond

Where History Meets Opportunity

Emergency City Commission Meeting

600 Morton Street

Monday, March 30, 2020 at 4:00 P.M

A7. Adjournment.