

# **EXHIBIT A**

## **THIRD AMENDED DECLARATION OF LOCAL DISASTER AND ORDER OF THE MAYOR OF THE CITY OF RIVER OAKS**

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

WHEREAS, on March 11, 2020 the World Health Organization (WHO) declared COVID-19 as a pandemic; and

WHEREAS, on March 13, 2020, pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued a proclamation certifying that COVID-19 poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas; and

WHEREAS, on March 16, 2020 the Mayor of the City of River Oaks has determined that extraordinary 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, and to protect or rehabilitate property; and,

WHEREAS, to remain consistent with the declaration of the Texas Department of State Health Services and the executive order issued by Governor Greg Abbott as of March 19, 2020 and to harmonize to the extent possible, the executive orders of Governor Greg Abbott, the Tarrant County Judge and the mandates contained in the declarations of the Mayors of the Cities of Fort Worth, Arlington and the other cities of Tarrant County, the County Judge issues this Executive Order; and

WHEREAS, County Judge Glen Whitley issued a Declaration of Local Disaster Due to Public Health Emergency for Tarrant County for COVID-19 on March 13, 2020, issued a First Amended Declaration of Local Disaster Due to Public Health Emergency on March 18, 2020, issued a Second Amended Declaration of Local Disaster Due to Public Health Emergency on March 21, 2020; and on March 24, 2020 Judge Whitley issued an Executive Order that was modified by the County Judge on March 27, 2020 for all Tarrant County residents to stay home; and

WHEREAS, the Mayor of the City of River Oaks issued a Declaration of Local Disaster on March 16, 2020; on March 19, 2020 the Mayor issued a First Amended Declaration of Local Disaster due to Public Health Emergency; and on March 21, 2020 the Mayor issued a Second Amended Declaration of Local Disaster Due to Public Health Emergency to implement additional measures to ensure the protection of the residents of River Oaks.

WHEREAS, to remain consistent with the declaration of the Texas Department of State Health Services and the executive order issued by Governor Greg Abbott as of March 19, 2020 and by Tarrant County Judge Glen Whitley as of March 24, 2020 as modified on March 27, 2020 and to harmonize to the extent possible with these executive orders, I, Mayor Herman D. Earwood find it necessary to hereby issue this Third Amended Declaration of Local Disaster Due to Public Health Emergency

amending, continuing and restating the declaration to implement additional measures to ensure the protection of the general public, and for the health and safety of the citizens of River Oaks.

**NOW THEREFORE, BE IT PROCLAIMED BY THE CITY OF RIVER OAKS:**

1. That a local state of disaster is hereby declared for the City of River Oaks, Texas, pursuant to section 418.108(a) of the Texas Government Code.
2. Pursuant to section 418.108(b) of the Government Code, this declaration of local disaster shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed by the City Council.
3. Pursuant to section 418.108(c) of the Government Code, this declaration of local disaster shall be filed promptly with the City Secretary and shall be given prompt and general publicity.
4. Pursuant to section 418.108(d) of the Government Code, this declaration of local disaster activated the City of River Oak's emergency management plan.
5. That the City is authorized 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, pursuant to §418.020(c) of the Texas Government Code.
6. Pursuant to section 122.006 of the Texas Health and Safety Code, this declaration authorizes the City to take any actions necessary to promote health and suppress disease, including quarantine, examining and regulating hospitals, regulating ingress and egress from a disaster area and controlling the movement of persons and the occupancy of premises, pursuant to section 418.108(f), (g) of the Texas Government Code.
7. All persons currently residing within the incorporated area of the City of River Oaks shall stay at their place of residence, except as allowed by this Order. All persons may leave their residences only for Essential Travel, Essential Services, and Essential Activities, to work in Essential Businesses, Government Service, or Essential Critical Infrastructure, or to perform Minimum Basic Operations, as defined below.

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

8. All businesses operating in Tarrant County, except Essential Businesses as defined below, are required to close to the public. Non-essential businesses may continue Minimum Basic Operations consisting exclusively of the following as long as Social Distancing is maintained between all employees and contractors during the activities:

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

9. It is ordered that a restaurant with or without drive-in or drive-through services; drive-in restaurant; drive-through restaurant; or microbrewery, micro-distillery, or winery may only provide take out, delivery, curbside pickup or drive-in or drive-through services as allowed by law. Social Distancing is required.

10. All public or private gatherings of any number of people occurring outside a single household are prohibited, except as otherwise provided herein. Nothing in this Order prohibits the gathering of members of a household or living unit.

11. All elective medical, surgical, and dental procedures are prohibited anywhere in Tarrant County Hospitals, ambulatory surgery centers, dental offices, and other medical facilities are directed to identify procedures that are deemed "elective" by assessing which procedures can be postponed or cancelled based on patient risk considering the emergency need for redirection of resources to COVID-19 response.

12. The City Hall Lobby shall be closed to public access until further notice, all public parks of the city shall be closed until further notice, all public recreational areas including those located at the River Oaks Event Center located at 5300 Blackstone Drive shall be closed until further notice and all non-essential city buildings including the public library and River Oaks Event Center shall also be closed until further notice.

13. If someone in a household has tested positive for COVID-19, the household is ordered to isolate at home. Members of the household cannot go to work, school, or any other community function until cleared by a medical professional but may seek medical services as needed from medical personnel and facilities.

14. Nursing homes, retirement, and long-term care facilities are to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.

15. Individuals experiencing homelessness are strongly urged to obtain shelter and maintain social distancing when feasible. If a homeless person is sheltered and exhibits symptoms or is diagnosed, the shelter's isolation center shall be deemed the residence of the homeless person solely for the purpose of complying with the requirements of this

Order. Medical personnel shall make the decision whether any other shelter residents shall be required to isolate based on potential exposure. Available shelters, to the maximum extent practicable, must use COVID-19 risk mitigation practices in their operations.

16. That during the pendency of this Declaration and Order of the Mayor no person shall sell any of the following goods or services for more than the regular retail price the person charged for the goods or services on March 16, 2020, except where an increased retail price is the result of increased supplier or other costs (including the loss of supplier supporting funds):

- a. groceries, beverages toiletries, ice, household goods;
- b. restaurant, cafeteria, and boarding-house meals; and
- c. medicine, pharmaceutical and medical equipment, and supplies.

17. **Definitions:**

a. **Social Distancing** means maintaining at least 6 feet distance from other individuals, frequently washing hands with soap and water for at least 20 seconds, using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not the hands), regularly disinfecting high touch surfaces, and not shaking hands.

b. **Minimum Basic Operations** include the following, provided that employees comply with Social Distancing:

i. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions.

ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

c. **Essential Activities** includes any of the following:

i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (for example, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies need to work from home).

ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others (for example, food, pet and livestock supplies, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences). It is strongly recommended that households, to the greatest extent possible, send only one person to businesses for the purpose of picking up food or other essential items.

- iii. To engage in outdoor activity, provided the individuals comply with social distancing (for example, walking, biking, hiking, golfing, or running).
- iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Executive Order.
- v. To care for a family member or pet in another household.

d. **Essential Businesses** means:

- i. Essential Health Care Services. Healthcare operations, including hospitals, clinics, doctors, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, substance abuse providers, blood banks, medical research, or any related and/or ancillary healthcare services, veterinary care provided to animals. Home-based care for seniors, adults, or children. Residential facilities and shelters for seniors, adults, and children. Healthcare operations do not include fitness and exercise gyms and similar facilities. Healthcare operations do not include elective medical, surgical, and dental procedures as established in accordance with this Executive Order.
- ii. Essential Government Functions. All services provided by local, state and federal governments needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public. All Essential Government Functions shall be performed in compliance with social distancing, to the extent possible.
- iii. Essential Critical Infrastructure Work necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) including public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation and other transportation network companies, and ride-sharing services that provide transportation services necessary for the performance of essential activities, essential businesses, essential infrastructure, and essential government function, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), financial institutions, defense and national security-related operations, essential manufacturing operations.

iv. Essential Retail. Food service providers, including grocery stores, warehouse stores, liquor stores, bodegas, gas stations, convenience stores, and farmers' markets and other retail stores that sell food products and household staples, pet and feed stores. Businesses not open to the public that ship or deliver groceries, food, goods or services directly to residences. Restaurants and other facilities that prepare and serve food, but only for delivery, take out, drive-in, drive-through, curbside pickup or carry out. Schools and other entities that typically provide free services to students or members of the public on a pick-up and take-away basis only. The restriction of delivery or carry out does not apply to cafes and restaurants located within hospital and medical facilities. Laundromats, dry cleaners, and laundry service providers. Businesses that provide for the delivery of, or preparation of vehicles. Businesses that supply products needed for people to work from home, including businesses providing mail and shipping and post office box. Businesses that supply products necessary for essential repairs and maintenance of a home or business. Hotel, motels, and shared rental units, except that all bars, cafes, or restaurants in hotels, motels, and shared rental units are closed except for pick-up and room service.

v. Providers of Basic Necessities to Economically Disadvantaged Populations. Social services and charitable organizations that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals; that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise vulnerable individuals.

vi. Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses. Trash and recycling collection, processing and disposal, mail and shipping services, building cleaning and maintenance, auto repair, warehouse/distribution and fulfillment, and storage for essential businesses. Plumbers, pool services, security services, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety sanitation, and essential operations of residences, Essential Activities, and Essential Businesses. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities.

vii. News Media. Newspapers, television, radio, and other media services.

viii. Financial Institutions. Banks and related financial institutions, consumer lenders, alternative financial services companies, sales and finance lenders, credit unions, appraisers, and title companies. As much business as possible shall be conducted with web-based technology to limit in-person contact.

ix. Real Estate Transactions: Services related to current real estate transactions. As much business as possible shall be conducted with web-based technology to limit in-person contact.

x. Childcare Services. Childcare facilities providing services that enable employees who perform Essential Activities or work for an Essential Business to work as permitted.

xi. Animal Shelters, Zoos, and Other Businesses that Maintain Live Animals. Businesses that maintain and care for live animals are not permitted to allow any visitors or patrons but may continue to operate to the extent necessary to provide the necessary care for the animals. Nothing in this section shall prohibit a nonemployee from entering the premises to perform a health care services or another Essential Business service.

xii. Construction. Construction under a valid permit issued by a governmental entity.

xiii. Funeral Services. Funeral homes, crematoriums and cemeteries may operate but no more than ten non-employees may be present at the same time. Social Distancing is required.

xiv. Wedding Services. Weddings may be held, but not more than ten persons may be present at any one time. Social Distancing is required. Weddings may not be held inside a City or County building.

xv. Worship Services. No in-person worship services are permitted. Needed staff can attend to produce audio/video or conduct services for transmission.

xvi. Moving Services and Supply. Businesses that provide residential and/or commercial moving services and necessary moving supplies.

e. **Essential Travel.** For the purposes of this Executive Order, Essential Travel includes travel for any of the following purposes.

i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, and Essential Businesses Essential Critical Infrastructure, Minimum Basic Operation;

ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons;

iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services;

- iv. Travel to return to a place of residence from outside the jurisdiction;
- v. Travel required by law enforcement or court order;
- vi. Travel by church staff or clergy for the purpose of production of remote delivery of religious services and other ministries requiring travel;
- vii. Travel related to attending a funeral service; or
- viii. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.

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

- i. This Declaration and Order of the Mayor does not restrict business operations delivering Essential Services, pursuant to Attorney General Ken Paxton's Opinion No. KP-0296.

18. That any certified peace officer or other person with lawful authority is hereby authorized to enforce the provisions of this Declaration & Order in accordance with the authority granted under the Texas Disaster Act of 1975. Any person who violates this Declaration & Order may be subject to a fine not exceeding \$1,000 or confinement for a period not exceeding 180 days.

19. That this Declaration & Order incorporates the attached table, Disaster Restrictions, as if set forth verbatim herein.

20. The sections, paragraphs, sentences, clauses and phrases of this Executive Order are severable and if any phrase, clause, sentence, paragraph or section of this Declaration & Order should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences paragraphs and sections that can be given effect without the invalid provision, and to this end, the provisions of this Declaration & Order are severable.

21. This Declaration & Order is issued in accordance with and incorporates by reference any declaration of disaster previously issued and adopted by the City of River Oaks. In the event of a conflict between this Declaration & Order and a prior declaration or order pertaining to COVID -19, this Declaration & Order prevails.

22. This Declaration hereby authorizes the use of all lawfully available enforcement tools.

23. This Declaration shall take effect immediately unless otherwise extended by the City Council.

**SO DECLARED AND ORDERED this the 31<sup>st</sup> day of March 2020.**

Mayor, City of River Oaks