



**NOTICE OF A REGULAR MEETING
OF THE CITY COUNCIL
Thursday, March 26, 2020
5:00 PM**

Don Smith
Mayor

Amanda Davis
Mayor Pro-Tem

Linzy Neal
Councilmember

Pete Lucas
Councilmember

Ryan Hanson
Councilmember

Ernie Burns
Councilmember

AGENDA

Notice is hereby given as required by Title 5, Chapter 551.041 of the Government Code that the Van City Council will meet in a Emergency Called Meeting Thursday, March 26, 2020 at 5:00 PM via video conference call The items listed below are placed on the agenda for discussion and/or action. The meeting is considered an emergency due to the current COVID-19 Emergency as declared by President Trump and Governor Abbot.

Topic: Emergency Called Council Meeting

Time: Mar 26, 2020 05:00 PM Central Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/875665250>

Meeting ID: 875 665 250

One tap mobile

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Meeting ID: 875 665 250

I. CALL MEETING TO ORDER

II. **ACTION ITEMS**

- A. Discussion and action on establishing a "Shelter In Place Order for the City of Van" to become effective at 11:59 PM on Friday March 27, 2020

III. **ADJOURN**

CERTIFICATION

I hereby certify that the above notice was posted in the bulletin board at Van City Hall, 113 W. Main, Van, Texas 75790 by 2:00 pm on Thursday, March 26, 2020

Sereca Huff-Huggins, City Secretary

NOTE: If, during the meeting, any discussion of any item on the agenda should be held in a closed meeting, the Council will conduct a closed meeting in accordance with the Texas Open Meetings Act, Texas Government Code, Chapter 551, Subchapters D and E

 *Persons with disabilities who plan to attend this public meeting and who may need auxiliary aid or services are requested to contact the Van City Hall 48 hours in advance, at (903)963-7216, and reasonable accommodations will be made for assistance.*

Shelter-in-Place FAQs

Mandatory “Shelter-in-Place”: What You Need to Know

To further combat the spread of COVID-19, Van Mayor Don Smith has issued a mandatory “Shelter-in-Place” order. The orders direct all residents of Van to stay inside their residences, and immediately limit all movement outside their homes beyond what is necessary to take care of essential needs.

What is COVID-19?

COVID-19 is a highly contagious new disease caused by a virus called Coronavirus. Its symptoms include fever, cough, and shortness of breath and may appear in as few as 2 days or as long as 14 days after exposure.

THE BOTTOM LINE

Residents are directed to stay inside their homes unless they are engaged in certain “essential activities.” On those occasions when you are out of your home for necessary tasks, stay at least six feet away from others.

YOU CAN ...

- Go to the grocery, convenience or warehouse store
- Go to the pharmacy to pick up medications and other healthcare necessities
- Go to medical appointments (check with your doctor or provider first).
- Go to a restaurant for take-out, delivery or drive-thru
- Care for or support a friend or family member
- Take a walk, ride your bike, hike, jog and be in nature for exercise — just keep at least six feet between you and others in the community
- Walk your pets and take them to the veterinarian if necessary
- Help someone to get necessary supplies
- Go to work for an essential business.

YOU SHOULD NOT ...

- Go to work unless you are providing essential services as defined by the guidelines. (Note: work arrangements should be made in consultation with your employer. Alternative work arrangements are recommended where possible.)
- Visit friends and family if there is no urgent need
- Maintain less than 6 feet of distance from others when you go out
- Visit loved ones in the hospital, nursing home, skilled nursing facility, or other residential care facility

Is this order mandatory? What happens if I don't comply?

It is mandatory and is a legally enforceable order. You may be punished by a fine or imprisonment for failing to comply.

Why is this happening now?

These mandatory Shelter-in-Place orders are being issued now because it is urgent that we slow and stop the spread of COVID-19 in Van and the Northeast Texas Area.

The virus spreads easily, and these guidelines are intended to prevent the spread of this disease from overwhelming our healthcare system. The goal here is to “flatten the curve” to slow down the spread of the virus and ensure we have adequate health care resources for those who get sick with COVID-19 and those who need emergency medical care for accidents, heart attacks, strokes, and other routine medical conditions.

What is the difference between “Shelter-in-Place” and “social distancing”?

Shelter-in-Place is a stricter form of social distancing. There are some differences. Shelter-in-Place means:

- Stay home (stay unexposed and do not expose others)
- Only go out for essential services
- Stay six feet or more away from others
- Don't gather in groups

The other concepts from social distancing will continue to apply when you are out shopping or walking or going to the doctor. These include washing hands, using hand sanitizer, disinfecting surfaces, not going out if sick, and staying at least six feet away from others at all times.

When do the mandatory orders go into effect and how long will it last?

The mandatory orders go into effect Thursday, March 26, at 11:59 p.m. and continue through Friday, April 3 at 11:59 p.m.

The duration can be either shortened or extended by the Mayor or City Council. It is intended that the orders would be in place for only as long as necessary, and officials, will be closely monitoring the situation daily in order to determine what adjustments are appropriate.

What are essential activities for which people may leave their residence?

The mandatory Shelter-in-Place orders direct residents to only leave their home to perform essential activities such as those listed below. However, people at high risk of severe illness from COVID-19 are urged to stay in their residence to the extent possible except as necessary to seek medical care.

- Activities essential to health and safety of family, household members, and pets, including for example obtaining medical supplies, visiting a healthcare professional, or obtaining supplies needed to work from home.
- Obtaining necessary services or supplies for themselves and their family or household members or to deliver those services or supplies to others.
- Engaging in outdoor activity, for example exercise or walking pets. However, social distancing requirements still apply.
- To care for a family member or pet in another household.
- Performing work at an essential business or to maintain minimum basic operations of a non-essential business.

What is considered essential travel? Am I still allowed into or out of the city?

Non-essential travel is prohibited. Yes, travel is still allowed into or out of the City to perform essential activities, operate essential businesses, or maintain essential governmental functions. Essential travel includes:

- Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations;
- Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons;
- Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services;
- Travel to return to a place of residence from outside the jurisdiction;
- Travel required by law enforcement or court order
- Travel required for non-residents to return to their place of residence outside the City. Individuals are strongly encouraged to verify that their transportation out of the City remains available and functional prior to commencing such travel.

What are essential businesses? May they stay open?

The following are considered essential businesses according to the orders and are encouraged to stay open. All essential businesses are strongly encouraged to remain open; however, even essential businesses are encouraged to determine essential staff necessary to operate and to send non-essential staff home. To the greatest extent feasible, essential businesses should still comply with Social Distancing Requirements.

- Essential Government services such as emergency management and emergency responders, public works, garbage/sanitation, water and sewer utilities, development services, and animal control and animal sheltering.
- Health care operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical, and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. "Healthcare Operations" also include veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness and exercise gyms and similar facilities.

- Essential Infrastructure, including, but not limited to, 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), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.
- Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products), and liquor stores. This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences
- Food cultivation, including farming, livestock, and fishing
- Gas service stations, auto supply, auto repair, bicycle repair shops and related facilities.
- Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- Newspapers, television, radio, and other media services
- Banks and related financial institutions
- Hardware and construction supply stores
- Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses
- Businesses providing mailing and shipping services, including post office boxes
- Laundromats, dry cleaners, and laundry service providers
- Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up or take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site
- Businesses that supply products needed for people to work from home
- Businesses that supply other Essential Businesses with the support or supplies necessary to operate
- Businesses that ship or deliver groceries, food, goods or services directly to residences;
- Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
- Home-based care for seniors, adults, or children;
- Residential facilities and shelters for seniors, adults, and children;
- Professional services: legal, accounting, insurance, real estate services (including appraisal, survey, and title services);
- Childcare facilities providing services that enable employees exempted in the guidelines to work as permitted;

- Utilities, telecommunications, trash collection and disposal, law enforcement, EMS/ambulance, corrections, dispatch, animal shelters, governmental employees who have not been specifically deemed non-essential and sent home by the government entity;
- Janitorial and maintenance services, funeral industry, defense industry, space and technology industry, technology support, and scientific research; and
- Religious services provided in residences, Healthcare Operations, at funerals, or provided online while being broadcast from a religious facility.

For these orders, what is meant by the term "business"? What about a non-profit or educational entity?

For the purpose of the Shelter-in-Place orders, the term business includes any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

Do non-essential businesses have to shut down completely or can they maintain minimum basic operations?

Businesses may maintain "minimum basic operations" including the minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and benefits, or for related functions. Additionally, minimum basic operations include the minimum necessary activities to facilitate employees of the business being able to continue to work remotely.

What is considered a home or residence? What about hotels? What about individuals experiencing homelessness?

For the purpose of the Shelter-in-Place orders, the term residence includes houses, hotels, motels, shared rental units, and similar facilities.

Individuals experiencing homelessness are exempt from the requirement to shelter within a residence but are strongly urged to obtain shelter. Furthermore, entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable while still utilizing social distancing practices.

Can I go outside, walk in my neighborhood?

Yes, going outside is considered an essential activity. You may do a variety of outdoor activities while still maintaining social distancing.

Can I still order the things I need online and have them delivered to my residence?

Yes. The guidelines identify businesses that deliver goods or services directly to residences may continue to operate. But keep your social distance by staying six feet from the person delivering the item.

Can I use public transportation, ride share, or a taxi?

Only for essential travel. Public transit and transportation services may continue to operate. In circumstances under which such transportation is needed, you should still practice social distancing, cover your mouth and nose if you cough or sneeze, use hand sanitizer or wash your hands before and after rides.

What should I do if I'm sick or a family member is sick?

If you are feeling sick, please first call your primary care doctor, a nurse hotline, or an urgent care center before going to the hospital. Check online resources like the [CDC website](#) if you are worried that you or a loved one has the COVID-19 virus. Do not go to the emergency room of a hospital unless you have deemed that you have an actual emergency. Call 911 or go to the emergency room if you are experiencing a medical emergency. Van has also established a COVID-19 hotline which you may call at 903-237-1215 for more information.

Can I leave home to care for my elderly parents or friends who require assistance to care for themselves? Or a friend or family member who has disabilities?

Yes. Be sure that you protect them and you by following social distancing guidelines such as washing hands before and after, using hand sanitizer, maintaining at least 6 feet of distance when possible, and coughing or sneezing into a tissue.

Do the Shelter-in-Place orders allow me to have my children in childcare? Will my daycare be shut down?

Childcare facilities may continue to operate so they can provide services that enable employees to work at Essential Businesses. However, to the extent possible, parents and guardians are encouraged to supervise children at home during this time period.

What about Retail Stores? Can I still go shop?

During a mandatory Shelter-in-Place, some non-essential retail stores are closed. Some retail stores, such as hardware stores, grocery stores, and stores that provide products or services for other essential businesses, are considered essential and would be encouraged to remain open.

Is there a penalty for a person or business that does not comply with the Shelter-in-Place Guidelines?

Yes, penalties can be enforced.

How do I prove that I am allowed to be outside?

At this time there is no requirement of proof that you are allowed to be outside your residence because the Shelter-in-Place guidelines presume that citizens will adhere to their civic duty and follow the guidelines for the greater good of the community.

**SHELTER IN PLACE ORDER OF THE MAYOR AND CITY COUNCIL
THE CITY OF VAN, TEXAS**

WHEREAS, pursuant to Section 418.108(a) of the Texas Government Code, Mayor Don Smith of the City of Van issued a Declaration of State of Disaster and Public Health Emergency ("Declaration") on March 18, 2020, due to a novel coronavirus now designated SARS-CoV2 which causes the disease COVID-19; and,

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

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

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

WHEREAS, since March 23, 2020, additional persons in the Northeast Public Health District have tested positive for the aforesaid COVID-19 virus; and,

WHEREAS, in his March 22, 2020, press conference, the Governor of the State of Texas acknowledged that cities may need to enact more stringent measures to address this public health emergency;

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VAN, TEXAS, THAT:

1. The following regulations are hereby ordered under the authority of the Mayor of the City of Van and approved by Council Action on March 26, 2020 pursuant to Section 418.108 of the Texas Government Code:

A. Effective as of 11:59 p.m. on March 25, 2020, and continuing until Friday April 3, 2020 11:59 p.m.

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

Essential Businesses, all as defined in Section B.

- (2) All businesses operating within the City of Van, except Essential Businesses as defined below in Section C, are required to cease all activities at facilities located within the City. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e. working from home). To the greatest extent possible, all Essential Businesses' shall comply with the Social Distancing Guidelines recommended by the CDC, including maintaining six-foot social distancing for both employees and the general public.
- (3) All public or private gatherings of any number of people occurring outside a single household or living unit are prohibited, except as otherwise provided herein. Nothing in this Order prohibits the gathering of members of a household or living unit.
- (4) Restaurants with or without drive-in or drive-through services may only provide curbside pickup, delivery, or drive-through services as allowed by law.
- (5) Religious and worship services may only be provided by video and teleconference. Religious institutions must limit in-person staff when preparing for or conducting video or teleconference services, and all individuals must follow the Social Distancing Guidelines from the CDC including the six-foot social distancing.

B. Definitions: For purposes of this Order, individuals may leave their residence only to perform any of the following "Essential Activities":

- (1) To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (for example, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies needed to work from home).
- (2) 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).
- (3) To engage in outdoor activity, provided the individuals comply with social distancing requirements of six feet (for example, walking,

biking, hiking, or running).

- (4) To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order.
- (5) To care for a family member or pet in another household.

C. For purposes of this Order, "Essential Businesses" shall be those businesses in the below listed areas. Any additional businesses or related determinations shall be made by the City Manager in consultation with the Emergency Management Team for the City.

- (1) **Essential Healthcare Operations.** Healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services. Home-based and residential-based care for seniors, adults, or children are also considered healthcare operations. Healthcare operations also includes veterinary care and all health and welfare services provided to animals. This exemption shall be viewed broadly to avoid any impact to the delivery of healthcare. Healthcare operations do not include fitness and exercise gyms and similar facilities unless ordered by a physician for rehabilitation purposes. Healthcare operations do not include elective medical, surgical, and dental procedures as established in accordance with Subsection A (6) of this Order.
- (2) **Essential Government Functions.** All services provided by local governments needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public. Further, nothing in this order shall prohibit any individual from performing or accessing "Essential Government Functions. This notwithstanding, certain government facilities may be closed to the public, except by appointment only. All Essential Government Functions shall be performed in compliance with social distancing requirements of six feet, to the extent possible.
- (3) **Essential Critical Infrastructure.** Work necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) including public works construction, residential and commercial construction,

airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), financial institutions, defense and national security-related operations, essential manufacturing operations provided that they carry out those services or that work in compliance with social distancing requirements of six feet, to the extent possible. Essential Businesses providing essential infrastructure should implement screening precautions to protect employees and all activity shall be performed in compliance with social distancing guidelines from the CDC.

- (4) **Essential Retail.** Food service providers include grocery stores, warehouse stores, big-box stores, gas stations and convenience stores and household staples. Food cultivation, including farming, fishing, and livestock. Businesses that ship or deliver groceries, food, goods or services directly to residences. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free services to students or members of the public on a pick-up and take-away basis only. The restriction of delivery or curb side pickup does not apply to cafes and restaurants located within hospital and medical facilities. Laundromats, dry cleaners, and laundry service providers. Gas stations, auto-supply, auto and bicycle repair, hardware stores, and related facilities. Businesses that supply products needed for people to work from home.
- (5) **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.
- (6) **Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses.** Trash and recycling collection, processing and disposal, mail and shipping services, building cleaning, maintenance and security, warehouse/distribution and fulfillment, storage for essential businesses, funeral homes, crematoriums and cemeteries. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences and Essential Businesses. Professional services, such as legal or accounting services, when necessary to assist in compliance

with legally mandated activities. Businesses that supply other essential businesses with support or supplies needed to operate.

(7) **News Media.** Newspapers, television, radio, and other media services.

(8) **Childcare Services.** Childcare facilities providing services that enable employees exempted in this Order to work as permitted.

D. **Any manufacturer who retools so that a substantial part of their business is for the purpose of manufacturing and producing ventilators may apply for an "essential business" exemption under this Order.**

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

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

E. **This Order shall be effective until terminated by the City Council, or until it is either rescinded, superseded, or amended pursuant to applicable law.**

F. **The City of Van must promptly provide copies of this Order by posting on the City of Van's website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.**

PASSED, APPROVED AND ADOPTED by the City Council of the City of Van, Texas on this 26th day of March 2020.

X

Sereca Huff-Huggins
City Secretary

X

Don Smith
Mayor