

DISCLOSURES

2. Plaintiff requests Defendant provide disclosures in accordance with Texas Rule of Civil Procedure 194, including relevant documents.

TRCP 47 STATEMENT

3. Plaintiff is suing for injunctive relief, declaratory relief, and money damages.
4. Plaintiff is seeking monetary relief of less than \$100,000.00.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this action by virtue of the relief sought herein, and because the amount in controversy exceeds the minimum jurisdictional requirements of this Court. This Court has personal jurisdiction over Defendant because the City of McKinney, Texas is located in Collin County, Texas.
6. Pursuant to Section 15.002, et seq. of the Texas Civil Practice & Remedies Code, venue is proper in Collin County because all or a substantial part of the events or omissions that give rise to Plaintiff's claims occurred in Collin County, Texas.

PARTIES

7. Plaintiff Derek V. Baker is an individual, resident of Collin County, Texas.
8. Defendant George Fuller is the elected mayor of McKinney, Texas and is being sued in his official capacity as mayor. He can be served with process at the following address:

Hon. George Fuller, Mayor
c/o McKinney City Attorney Mark S. Houser
McKinney City Hall
222 N. Tennessee Street
McKinney, Texas 75069

or wherever he may be found.

FACTUAL BACKGROUND

THE DECLARATION

9. On March 13, 2020, Texas Governor Gregg Abbott issued an *Executive Order* declaring a public health disaster for the entire State of Texas. No such declaration has been issued in Texas for over 120 years. A true and correct copy of Governor Abbott's *Executive Order* is attached as **Exhibit 1**.

10. On March 24, 2020, Collin County Judge Hon. Chris Hill issued *Order of the County Judge* in accordance with Texas Government Code §418.108, a true and correct copy of which is attached hereto as **Exhibit 2**.
11. On March 25, 2020, McKinney, Texas Defendant George Fuller issued a *Third Revised Mayoral Declaration of Local State of Disaster Due to Public Health Emergency*, a true and correct copy of which is attached hereto as **Exhibit 3**.
12. The Texas Government Code gives limited powers to elected officials, including the Governor, to order Texas residents to take certain actions or to prohibit others in the interests of public safety, particularly in the case of emergency or disaster. However, these powers are strictly limited by the text of the governing statutes and by the provisions of the Texas and U.S. Constitutions.
13. The Texas Government Code also gives political subdivisions of the State of Texas certain limited powers to declare “local emergencies” or “disasters,” and similarly provides those subdivisions limited

powers to meet and address the conditions causing or fostering the emergency or disaster. *See* Texas Government Code, §418.001 *et seq.*

14. Specific to this case, Plaintiff here complains about the provisions of the *Third Revised Mayoral Declaration*, **Exhibit 3**, in that it not only is in excess of the limited powers granted to Mayor Fuller under the Government Code, but it also conflicts with the *Order of the County Judge*, **Exhibit 2**, but because it violates the Texas Constitution, Article 1, Section 17 by effecting a regulatory taking without adequate compensation.
15. **Exhibit 3** is in excess of and directly conflicts with several overriding provisions in **Exhibit 2**, the prevailing order.
16. To the extent **Exhibit 3** conflicts with **Exhibit 2**, it must be declared void and of no further force or effect and the Court should enjoin its enforcement.
17. The Texas Government Code expressly states, at §418.108(f), (g), and (h) (emphasis added):

(f) The county judge or the mayor of a municipality may order the evacuation of all or part of the population from a stricken or threatened area under the jurisdiction and authority of the county judge or mayor if the county judge or mayor considers

the action necessary for the preservation of life or other disaster mitigation, response, or recovery.

(g) The county judge or the mayor of a municipality may control ingress to and egress from a disaster area under the jurisdiction and authority of the county judge or mayor and control the movement of persons and the occupancy of premises in that area.

(h) For purposes of Subsections (f) and (g):

(1) the jurisdiction and authority of the county judge includes the incorporated and unincorporated areas of the county; and

(2) *to the extent of a conflict between decisions of the county judge and the mayor, the decision of the county judge prevails.*

18. To the extent Government Code §418.108 grants the County Judge the authority to make the orders that **Exhibit 2** makes, any provisions in **Exhibit 3** that “conflict” with the provisions in **Exhibit 2**, are superceded as a matter of law.
19. **Exhibit 3** conflicts with **Exhibit 2** in the following particulars:

#	<i>Exhibit 3 (inferior order)</i>	Exhibit 2 (SUPERIOR ORDER)	Conflict
a	<p>All individuals currently living within McKinney are ordered to shelter at their place of residence. ... All persons may leave their residence only for Essential Activities, or to provide or perform Essential Government Functions, or to operate Essential Businesses, all as defined in this Section 7.</p>	<p>If any person in a household has tested positive for COVID-19, all persons in the household are hereby ordered to stay home.... This order does not permit any person from leaving his or her home to seek necessary medical or emergency care.</p>	<p>Exhibit 3 is far broader and thus contradicts the more limited language in Exhibit 2; attempts to define “Essential Businesses” contrary to Exhibit 2 which declares all businesses are “essential”</p>

#	<i>Exhibit 3 (inferior order)</i>	Exhibit 2 (SUPERIOR ORDER)	Conflict
b	All businesses operating in McKinney, except Essential Businesses as defined in (sic) below in this Section 7, are required to cease all activities at facilities located within McKinney. (there follows a listing of what this order deems “essential”)	All businesses, jobs, and workers are essential to the financial health and well-being of our local economy and therefore are essential to the financial health and well-being of Collin County citizens. (does not attempt to define “essential”)	Exhibit 3 imposes restrictions on persons and businesses not imposed by Exhibit 2 ; attempts to define “Essential Businesses” contrary to Exhibit 2 which declares all businesses are “essential”

#	<i>Exhibit 3 (inferior order)</i>	Exhibit 2 (SUPERIOR ORDER)	Conflict
c	All individuals currently living within McKinney are ordered to shelter at their place of residence.	Any person who believes he or she is at higher risk of severe illness and who believes he or she may be compromised from exposure to COVID-19 is hereby ordered to stay home as long as this order remains in place or until the person determines he or she is no longer at higher risk for severe illness. (then defines several limited criteria of high-risk people: chronic lung disease; moderate to severe asthma; heart disease with complications; immunocompromised including cancer treatment; severe obesity; diabetes, renal failure; liver disease)	Removes or exceeds the limiting criteria from Exhibit 2 and thus conflicts with same

#	<i>Exhibit 3 (inferior order)</i>	Exhibit 2 (SUPERIOR ORDER)	Conflict
d	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.	Pursuant to Governor Greg Abbott’s March 19 Executive Order, every person in Texas shall avoid gatherings in groups of more than 10.	Imposes more severe restrictions on gatherings; fails to define “gatherings” making it void for vagueness
e	"Essential Businesses" means: (there follows a listing made up by the Mayor)	All businesses, jobs, and workers are essential to the financial health and well-being of our local economy and therefore are essential to the financial health and well-being of Collin County citizens.	Imposes more severe restrictions; definition of “essential” is arbitrary, capricious, and thus void

#	<i>Exhibit 3 (inferior order)</i>	Exhibit 2 (SUPERIOR ORDER)	Conflict
f	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.	Any person who believes he or she is at higher risk for severe illness and who believes he or she may be compromised from exposure to COVID-19 is hereby ordered to stay home <i>as long as this order remains in place or until the person determines he or she is no longer at higher risk for severe illness.</i> This order does not prohibit any person from leaving his or her home to seek necessary medical or emergency care.	Imposes more severe restrictions because it does not allow for exceptions; requires isolation only on test positive instead of exposure, which is directly conflicting

#	<i>Exhibit 3 (inferior order)</i>	Exhibit 2 (SUPERIOR ORDER)	Conflict
g	Due to increased demand for bath or toilet tissue resulting from stock up buying and individuals who purchase for resale, a mandatory limit on toilet paper sales is instituted until the supply chain meets the demand or two weeks, whichever comes first.	No similar restriction	Imposes additional restriction without good cause or explanation relevant to governmental functioning, making it contrary to Exhibit 2 which has no such restriction

#	<i>Exhibit 3 (inferior order)</i>	Exhibit 2 (SUPERIOR ORDER)	Conflict
h	Public and private schools and institutions of higher education are instructed by this Declaration to provide a safety plan to the appropriate Office of Homeland Security and Emergency Management 72 hours before students return to a classroom setting.	No similar restriction	Imposes additional restriction without good cause or explanation relevant to governmental functioning, making it contrary to Exhibit 2 which has no such restrictions

#	<i>Exhibit 3 (inferior order)</i>	Exhibit 2 (SUPERIOR ORDER)	Conflict
i	Additionally, this Declaration instructs all employees to remain at home if sick.	Conflicts with: Any person who believes he or she is at higher risk for severe illness and who believes he or she may be compromised from exposure to COVID-19 is hereby ordered to stay home as long as this order remains in place or until the person determines he or she is no longer at higher risk for severe illness. This order does not prohibit any person from leaving his or her home to seek necessary medical or emergency care.	Imposes additional restriction without good cause or explanation relevant to governmental functioning, making it contrary to Exhibit 2 which has no such restrictions; fails to define “sick” making it void for vagueness

#	<i>Exhibit 3 (inferior order)</i>	Exhibit 2 (SUPERIOR ORDER)	Conflict
j	Any person, firm or corporation violating any of the provisions of this Declaration commits an offense, punishable by a fine up to \$1000.00, and each and every day such violation shall continue shall be deemed to constitute a separate offense.	No similar provision	Conflicts with Exhibit 2 which has no similar provision; no statutory or other authority allowing imposition of fines

#	<i>Exhibit 3 (inferior order)</i>	Exhibit 2 (SUPERIOR ORDER)	Conflict
k	<p>Religious and worship services may only be provided by video and teleconference. Religious institutions must limit in-person staff to ten (10) people or less when preparing for or conducting video or teleconference services, and all individuals must follow the Social Distancing Guidelines including the six-foot social distancing.</p>	<p>Conflicts with: Pursuant to Governor Greg Abbott’s March 19 Executive Order, every person in Texas shall avoid gatherings in groups of more than 10.</p>	<p>Conflicts with Exhibit 2 which has no similar provision; no statutory or other authority allowing imposition; Imposes more severe restrictions on gatherings that Exhibit 2; violates constitutional prohibition on the state infringing religious liberty</p>

Causes of Action

Temporary Restraining Order, Temporary Injunction, and Permanent Injunction.

20. All facts stated herein are incorporated by reference and sworn by the Declaration attached hereto.
21. In accordance with Texas Civil Practice & Remedies Code, Chapter 65, and Texas Rule of Civil Procedure 680-693, Plaintiff seeks a temporary restraining order and temporary injunction enjoining the enforcement of **Exhibit 3** to the extent it conflicts with **Exhibit 2**. Upon final trial, Plaintiff also seeks a permanent injunction to the same effect.
22. Plaintiff is suffering immediate and irreparable harm and risks a fine of up to \$1,000.00 for each and every day he is found in violation of **Exhibit 3** according to the terms of **Exhibit 3**.
23. Plaintiff is suffering actual harm or risk of punishment if he goes to work because his work (real estate sales) is not considered an “essential” business under **Exhibit 3**. By being prohibited from going to work, Plaintiff is suffering irreparable harm in the form of lost business, lost professional contacts, loss of prospective business,

and damage to his professional reputation and good will, for which the award of money damages will not provide an adequate or sufficient remedy.

24. Unless restrained, Mayor Fuller in accordance with the terms of **Exhibit 3**, will attempt to enforce **Exhibit 3**, including the provisions in conflict with **Exhibit 2**, and therefore injunctive relief is required to prevent harm to Plaintiff.
25. Plaintiff prays that Defendant, and all those acting in active concert or participation with Defendant or who have notice of the terms of the Court's Temporary Restraining Order, be immediately restrained now, for a period of up to 14 days under the TRO, and until trial for the Temporary Injunction, from taking any action to create, enforce, or permit the enforcement of, any provisions of **Exhibit 3** or similar that are in conflict with any provisions of **Exhibit 2** as found by the Court, to wit:
 - a. "All individuals currently living within McKinney are ordered to shelter at their place of residence. ... All persons may leave their residence only for Essential Activities, or to provide or

perform Essential Government Functions, or to operate Essential Businesses, all as defined in this Section 7.”

- b. “All businesses operating in McKinney, except Essential Businesses as defined in (sic) below in this Section 7, are required to cease all activities at facilities located within McKinney. (there follows a listing of what this order deems “essential”).”
- c. “All individuals currently living within McKinney are ordered to shelter at their place of residence.”
- d. “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.”
- e. Any provisions purporting to define “Essential Businesses” or making any provision in Exhibit 3 dependent upon or guided by any such definitions.
- f. “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.”

- g. “Due to increased demand for bath or toilet tissue resulting from stock up buying and individuals who purchase for resale, a mandatory limit on toilet paper sales is instituted until the supply chain meets the demand or two weeks, whichever comes first.”
- h. “Public and private schools and institutions of higher education are instructed by this Declaration to provide a safety plan to the appropriate Office of Homeland Security and Emergency Management 72 hours before students return to a classroom setting.”
- i. “Additionally, this Declaration instructs all employees to remain at home if sick.”
- j. “Any person, firm or corporation violating any of the provisions of this Declaration commits an offense, punishable by a fine up to \$1000.00, and each and every day such violation shall continue shall be deemed to constitute a separate offense.”
- k. “Religious and worship services may only be provided by video and teleconference. Religious institutions must limit in-person staff to ten (10) people or less when preparing for or

conducting video or teleconference services, and all individuals must follow the Social Distancing Guidelines including the six-foot social distancing.”

DECLARATORY JUDGMENT

26. Plaintiff seeks declaratory judgment against Defendant as follows:
- a. That **Exhibit 3** is, and has been since inception, null and void to the extent any of its provisions are in conflict with any provisions of **Exhibit 2**; and
 - b. That **Exhibit 3** was created in violation of the Texas Government Code and violates Article 1, Section 17 of the Texas Constitution as a regulatory taking without adequate compensation.

Inverse Condemnation

27. Under Texas Constitution, Article 1, Section 17, the government is prohibited from taking, damaging, or destroying any private property for public use without making adequate compensation.
28. By the terms of **Exhibit 3**, its provisions are purportedly meant to afford a public benefit or use.

29. There is no exception in the Texas Constitution for any taking of private property to be uncompensated based on a perceived or future-potential, government-purported “public threat.”
30. By the terms of **Exhibit 3**, unless and until enjoined, Defendant has taken the private property of Plaintiff, and has to date not paid, or offered to pay, just or adequate compensation.
31. Plaintiff prays for an award of monetary damages for regulatory inverse condemnation in an amount within the jurisdictional limits of this Court.

Attorney’s Fees

32. Plaintiff seeks recovery of his reasonable and necessary attorney’s fees and costs, in the discretion of the Court, under the Texas Declaratory Judgment Act and other applicable Texas law.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant be cited to appear and answer herein, and upon hearing, the Court grant a temporary restraining order and temporary injunction, and upon trial or other final disposition, Plaintiff be awarded the relief set forth above, including permanent injunctive relief, money damages, attorney’s fees, and such other and further relief as is just.

RESPECTFULLY SUBMITTED:

/s/ James A. Pikel
State Bar No. 16008850
jim.pikel@solidcounsel.com

Scheef & Stone, L.L.P.
2600 Network Boulevard, Suite 400
Frisco, Texas 75034
(214) 472-2100
Fax: (214) 472-2150

ATTORNEYS FOR PLAINTIFF

DECLARATION

My name is Derek V. Baker, my date of birth is 10/19/68, and my address is 7200 W. University Drive, Suite 262, McKinney, Texas 75071.

I am a licensed Texas real estate agent. As part of my business, I regularly meet with clients and prospective clients at my office and at various residences to show properties, answer questions, perform investigations, and other essential duties. I regularly show and preview properties for clients, which involves my needing to travel to those properties and meet with interested persons and contractors in order to fulfill my duties to my clients and to earn a living. Residential real estate requires written contracts, which all contain dozens of strict deadlines that must be met, and therefore time is of the essence to my business affairs.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Collin County, State of Texas, on the 26th day of March, 2020.



Derek V. Baker
Derek V. Baker

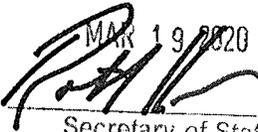


GOVERNOR GREG ABBOTT

March 19, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:59 AM O'CLOCK

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

MAR 19 2020

Secretary of State

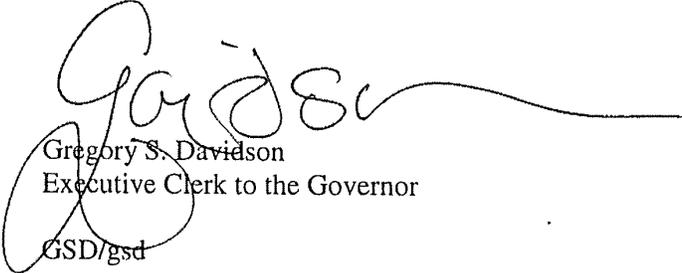
Dear Secretary Hughs:

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

Executive Order No. GA-08 relating to COVID-19 preparedness and mitigation.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
March 19, 2020

EXECUTIVE ORDER
GA 08

Relating to COVID-19 preparedness and mitigation.

WHEREAS, the novel coronavirus (COVID-19) has been recognized globally as a contagious respiratory virus; and

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying that COVID-19 poses an imminent threat of disaster for all counties in the state of Texas; and

WHEREAS, COVID-19 continues to spread and to pose an increasing, imminent threat of disaster throughout Texas; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has advised that person-to-person contact heightens the risk of COVID-19 transmission; and

WHEREAS, the President's Coronavirus Guidelines for America, as promulgated by President Donald J. Trump and the CDC on March 16, 2020, call upon Americans to slow the spread of COVID-19 by avoiding social gatherings in groups of more than 10 people, using drive-thru, pickup, or delivery options at restaurants and bars, and avoiding visitation at nursing homes, among other steps; and

WHEREAS, the Texas Department of State Health Services has now determined that, as of March 19, 2020, COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, under the Texas Disaster Act of 1975, "[t]he governor is responsible for meeting . . . the dangers to the state and people presented by disasters" (Section 418.001 of the Texas Government Code), and the legislature has given the governor broad authority to fulfill that responsibility

EXHIBIT 1

- Order No. 1 In accordance with the Guidelines from the President and the CDC, every person in Texas shall avoid social gatherings in groups of more than 10 people.
- Order No. 2 In accordance with the Guidelines from the President and the CDC, people shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms or massage parlors; provided, however, that the use of drive-thru, pickup, or delivery options is allowed and highly encouraged throughout the limited duration of this executive order.
- Order No. 3 In accordance with the Guidelines from the President and the CDC, people shall not visit nursing homes or retirement or long-term care facilities unless to provide critical assistance.
- Order No. 4 In accordance with the Guidelines from the President and the CDC, schools shall temporarily close.

This executive order does not prohibit people from visiting a variety of places, including grocery stores, gas stations, parks, and banks, so long as the necessary precautions are maintained to reduce the transmission of COVID-19. This executive order does not mandate sheltering in place. All critical infrastructure will remain operational, domestic travel will remain unrestricted, and government entities and businesses will continue providing essential services. For offices and workplaces that remain open, employees should practice good hygiene and, where feasible, work from home in order to achieve optimum isolation from COVID-19. The more that people reduce their public contact, the sooner COVID-19 will be contained and the sooner this executive order will expire.

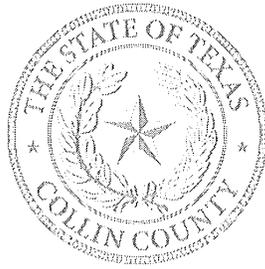
This executive order supersedes all previous orders on this matter that are in conflict or inconsistent with its terms, and this order shall remain in effect and in full force until 11:59 p.m. on April 3, 2020, subject to being extended, modified, amended, rescinded, or superseded by me or by a succeeding governor.



Given under my hand this the
19th day of March, 2020.

A handwritten signature in cursive script that reads "Greg Abbott".

GREG ABBOTT



Order of the County Judge

WHEREAS, the novel coronavirus now designated SARS-CoV-2 which causes the disease COVID-19 has spread through the world and has now been declared a global pandemic by the World Health Organization; and

WHEREAS, President Donald Trump has proclaimed the COVID-19 outbreak a national emergency in the United States; and

WHEREAS, on March 13, 2020, Governor Greg Abbott issued a Declaration of Local Disaster for Public Health Emergency in response to the novel coronavirus now designated SARS-CoV-2 (COVID-19); and

WHEREAS, on March 16, 2020, Collin County Judge Chris Hill issued a Declaration of Local Disaster for Public Health Emergency in response to the novel coronavirus now designated SARS-CoV-2 (COVID-19); and

WHEREAS, on March 19, 2020, Governor Greg Abbott issued four executive orders for the State of Texas;

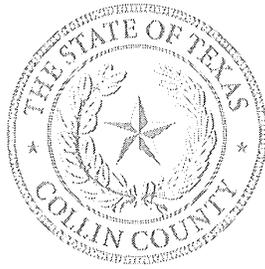
NOW, THEREFORE, I, Chris Hill, County Judge of Collin County, Texas, under the authority of Texas Government Code Section 418.108, do hereby issue this second executive order.

SECTION 1. Intent of this Order

The intent of this Order is to protect the physical health and well-being of Collin County citizens, to protect the financial health and well-being of Collin County citizens, and to slow the spread of COVID-19 to the maximum extent possible while safeguarding the Constitutional liberties of Collin County citizens by utilizing the least restrictive means possible and encouraging the highest level of personal responsibility.

SECTION 2. Protecting the physical health and well-being of Collin County citizens.

Persons who are sick and currently experiencing common COVID-19 symptoms have a responsibility to take actions necessary to protect the physical health and well-being of others.



Order of the County Judge

Any person who is sick or currently experiencing common COVID-19 symptoms, including fever, cough, or shortness of breath, is hereby ordered to stay home until such time that¹:

- (a) he or she has had no fever for at least 72 hours without the use of medicine that reduces fevers; and
- (b) his or her other symptoms have improved (for example, when the cough or shortness of breath has improved); and
- (c) at least 14 days have passed since the symptoms first appeared.

This order does not prohibit any person from leaving his or her home to seek necessary medical or emergency care.

If any person in a household has tested positive for COVID-19, all persons in the household are hereby ordered to stay home. Members of the household may not travel to work, school, or any other community function until cleared by a medical professional. This order does not prohibit any person from leaving his or her home to seek necessary medical or emergency care.

All persons in Collin County are hereby ordered to stay home, except for travel related to essential activities. Entertainment activities are not considered essential activities.

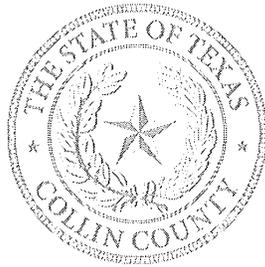
SECTION 3. Protecting the physical health and well-being of persons at higher risk for severe illness.

Persons at higher risk for severe illness have a responsibility to take actions necessary to protect their own personal physical health and well-being and to mitigate their own risk and potential exposure to COVID-19. Any person who believes he or she is at higher risk for severe illness and who believes he or she may be compromised from exposure to COVID-19 is hereby ordered to stay home as long as this order remains in place or until the person determines he or she is no longer at higher risk for severe illness. This order does not prohibit any person from leaving his or her home to seek necessary medical or emergency care.

COVID-19 is a new disease, and there is limited information regarding risk factors for severe disease. Based upon available information to date, those at higher risk for severe illness from COVID-19 include²:

¹ Centers for Disease Control and Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>

² Centers for Disease Control and Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/high-risk-complications.html>



Order of the County Judge

- Persons aged 65 years and older
- Persons who live in a nursing home or long-term care facility
- Other high-risk conditions could include:
 - Persons with chronic lung disease or moderate to severe asthma
 - Persons who have heart disease with complications
 - Persons who are immunocompromised including cancer treatment
 - Persons of any age with severe obesity (body mass index [BMI]≥40) or certain underlying medical conditions, particularly if not well controlled, such as those with diabetes, renal failure, or liver disease might also be at risk

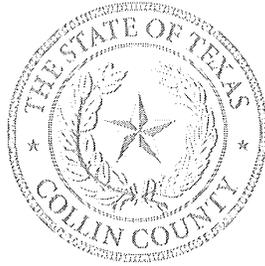
SECTION 4. Protecting the financial health and well-being of Collin County citizens.

To protect the financial health and well-being of Collin County citizens, including those who are the most economically vulnerable and disadvantaged, we have a shared responsibility to take actions necessary to prevent the spread of COVID-19, as well as to protect and promote the ability of all persons to provide for their own financial and material needs, including food, shelter, clothing, and healthcare.

All businesses and employers are hereby ordered to take actions necessary to prevent the spread of COVID-19, to increase social distancing in the normal course of business activities, and to provide for a safe and healthy work environment.

All persons are hereby ordered to take actions necessary to prevent the spread of COVID-19 and to increase social distancing in the normal course of business activities. Social distancing is generally understood to mean staying at least six feet away from other people, avoiding mass gatherings, working from home if possible, canceling or postponing large meetings, and not shaking hands. Where social distancing is not possible in the normal course of business activities, extreme care should be taken to reduce the risk of exposure to, and transmittal of, germs and COVID-19.

Pursuant to Governor Greg Abbott's March 19 Executive Order, every person in Texas shall avoid gatherings in groups of more than 10. Furthermore, persons shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms or massage parlors. However, the use of drive-thru, pickup, or delivery options for bars,



Order of the County Judge

restaurants, and food courts is allowed and highly encouraged throughout the limited duration of his Executive Order.

All businesses, jobs, and workers are essential to the financial health and well-being of our local economy and therefore are essential to the financial health and well-being of Collin County citizens. Persons who are employed need to stay employed. Persons who lack employment need to gain employment. Businesses that are able to remain open need to remain open.

Employers, employees, and customers have a shared responsibility to promote public health in the normal course of business activities.

SECTION 5. Prompt Filing

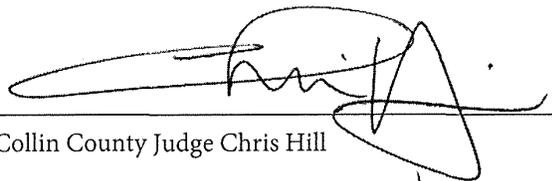
In accordance with Texas Government Code section 418.108(c), this order shall be given prompt and general publicity and shall be filed promptly with the County Clerk of Collin County.

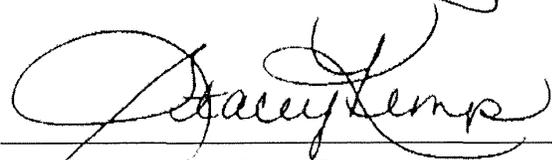
SECTION 6. Term

This order shall take effect immediately from its issuance and shall continue for a period of not more than seven days unless continued or renewed by the Commissioners Court of Collin County, Texas.

Ordered this 24th day of March, 2020.




Collin County Judge Chris Hill


Collin County Clerk Stacey Kemp

CITY OF MCKINNEY, TEXAS
THIRD REVISED MAYORAL DECLARATION OF LOCAL STATE OF DISASTER
DUE TO PUBLIC HEALTH EMERGENCY

WHEREAS, beginning in December 2019, a novel coronavirus, now designated COVID-19, has spread through the world and has now been declared a global pandemic by the World Health Organization; and

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

WHEREAS, prudence dictates that extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout the City of McKinney, including the quarantine of individuals, groups of individuals and occupied structures and, additionally, including compelling individuals, groups of individuals, or occupied structures to undergo additional health measures that prevent or control the spread of the virus; and

WHEREAS, Governor Abbott and Collin County have declared a local disaster due to public health emergency; and

WHEREAS, as Mayor, and under state law and local ordinance, I issued two (2) Mayoral Declarations of Local State of Disaster on March 16, 2020; and another on March 17, 2020; and

WHEREAS, thereafter I have been evaluating the health and safety aspects of placing limitations on patron occupancies in restaurants and bars in the City of McKinney to help insure that COVID-19 is contained; and

WHEREAS, on March 24, 2020 Collin County Judge Chris Hill issued his Order regarding COVID-19 to protect the citizens of Collin County; and

WHEREAS, on March 24, 2020 the McKinney City Council convened and provided input to me for managing the health and welfare of McKinney citizens during this local disaster through a mayoral declaration, issued pursuant to the law.

NOW, THEREFORE, BE IT DECLARED BY THE MAYOR OF THE CITY OF MCKINNEY, TEXAS:

SECTION 1. That a local state of disaster due to public health emergency is hereby declared for the City of McKinney, Texas, pursuant to section 418.108(a) of the Texas Government Code. This Third Revised Declaration supersedes, in its entirety, my Second Revised Declaration of March 17, 2020, which declaration expired by law on March 23, 2020.

SECTION 2. Pursuant to section 418.108(b) of the Texas Government Code, the state of disaster due to public health emergency shall continue for a period of not more than seven (7) days from the effective date of this declaration unless continued or renewed by the City Council of the City of McKinney, Texas.

SECTION 3. Pursuant to section 418.108(c) of the Texas Government Code, this declaration of a local state of disaster due to public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

SECTION 4. Pursuant to section 418.108(d) of the Government Code, this declaration of a local state of disaster activates the City of McKinney's Emergency Management Plan under McKinney Ordinance 2008-02-013.

SECTION 5. That this declaration authorizes the City to take any actions necessary to promote health and suppress the virus, including the quarantine of persons and occupied structures, examining and regulating hospitals, regulating ingress and egress from the City, regulating ingress and egress to occupied structures, and insuring compliance for those who do not comply with the City's rules, pursuant to section 122.006 of the Health and Safety Code.

SECTION 6. The City Council of the City of McKinney, the MEDC board of directors, and the MCDC board of directors and their essential and necessary attendees shall be exempt from this Declaration for scheduled public meetings, whether a regular, work session, special or emergency meeting. The stated exempt entities shall use best efforts to provide adequate social distancing for members and attendees during any scheduled meetings, including their closed sessions. Whenever possible, teleconferencing shall be utilized for meetings held under this Section.

SECTION 7. That beginning Thursday, March 26, 2020 at 12:01 a.m. and until Wednesday, April 1, 2020 at 11:59 p.m.:

(1) All individuals currently living within McKinney are ordered to shelter at their place of residence. For the purposes of this Declaration, residences include hotels, motels, shared rentals, and similar facilities. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably as possible maintain social distancing of at least six feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, or to provide or perform Essential Governmental Functions, or to operate Essential Businesses, all as defined in this Section 7.

(2) All businesses operating within McKinney, except Essential Businesses as defined in below in this Section 7, are required to cease all activities at facilities located within McKinney. 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 attached, 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 Declaration prohibits the gathering of members of a household or living unit.

(4) Restaurants with or without drive-in or drive-through services and microbreweries, micro-distilleries, or wineries may only provide take out, delivery, or drive-through services as allowed by law.

(5) Religious and worship services may only be provided by video and teleconference. Religious institutions must limit in-person staff to ten (10) people or less when preparing for or conducting video or teleconference services, and all individuals must follow the Social Distancing Guidelines including the six-foot social distancing. Funerals are allowed with appropriate social distancing.

A. Definitions:

(1) For purposes of this Declaration, individuals may leave their residence only to perform any of the following "Essential Activities":

- a. 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 or visiting a health care professional).
- b. 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).
- c. To engage in outdoor activities, provided the individuals comply with social distancing requirements of six feet (for example, walking, biking, hiking, running, and other exercise activities). Children shall not use playground equipment or any other public recreational structures.
- d. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order.

- e. To care for a family member or pet in another household.
- (2) For purposes of this Declaration, “Essential Businesses” means:
- a. **Essential Healthcare Operations.** Healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services. Home-based and residential-based care for seniors, adults, or children are also considered healthcare operations. Healthcare operations also includes veterinary care and all health and welfare services provided to animals. This exemption shall be viewed broadly to avoid any impacts to the delivery of healthcare. Healthcare operations do not include fitness and exercise gyms and similar facilities.
 - b. **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.” All Essential Government Functions shall be performed in compliance with social distancing requirements of six feet, to the extent possible.
 - c. **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, elimination of hazardous materials, 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 attached.

- d. **Essential Retail.** Food service providers, including grocery stores, warehouse 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. Businesses that ship or deliver groceries, food, goods or services directly to residences. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free services to students or members of the public on a pick-up and take-away basis only. The restriction of delivery or carry out does not apply to cafes and restaurants located within hospital and medical facilities. Laundromats, dry cleaners, and laundry service providers. Gas stations, auto-supply, auto, bicycle repair and essential business equipment suppliers, hardware stores, and related facilities. Businesses that supply products needed for people to work from home. **Essential Retail businesses shall post entry signage instructing patrons of the need to limit patron visits to necessary purchases only and to maintain social distancing. Essential Retail businesses shall provide a sanitation station as a required first stop for patron entering the business.**
- e. **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.
- f. **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.

- g. **News Media.** Newspapers, television, radio, and other media services.
- h. **Childcare Services.** Childcare facilities providing services that enable employees exempted in this Declaration to work as permitted.

(3) 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 Declaration.

(4) Grocery stores, supermarkets, warehouse stores, hospitals, and medical facilities are experiencing high levels of demand for a large number of products, requiring more deliveries from manufacturers and distribution centers to serve their customers. Due to the need to deliver products as quickly and efficiently as possible during this critical timeframe, this Declaration hereby suspends all delivery hour restrictions for transport to or from any entity involved in the selling or distribution of food products, medicine, or medical supplies in McKinney for the next 7 days.

(5) Due to increased demand for bath or toilet tissue resulting from stock up buying and individuals who purchase for resale, a mandatory limit on toilet paper sales is instituted until the supply chain meets the demand or two weeks, whichever comes first. All sales of bath or toilet tissue occurring in McKinney are limited to the greater of: (a) twelve (12) rolls per purchase or (b) one (1) package per purchase.

(6) 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.

(7) 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.

(8) Public and private schools and institutions of higher education are instructed by this Declaration to provide a safety plan to the appropriate Office of Homeland Security and Emergency Management 72 hours before students return to a classroom setting.

(9) Additionally, this Declaration instructs all employees to remain at home if sick. Employees of private businesses and nonprofits with six or more employees in McKinney can use their paid sick leave when they are sick or to care for sick family members.

(10) The owner, manager, or operator of any facility that is likely to be impacted by this Declaration is strongly encouraged to post a copy of this Declaration 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 Declaration 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 Declaration.

SECTION 8. The following are approved Social Distancing Recommendations:

- (1) Vulnerable Populations: Limit Outings
 - a. Vulnerable populations include people who are:
 1. 60 years old and older.
 2. People with certain health conditions such as heart disease, lung disease, diabetes, kidney disease and weakened immune systems.
 - b. For vulnerable populations, don't go to gatherings unless it is essential. Stay home. Avoid people who are sick.
- (2) Workplace and Businesses: Minimize Exposure
 - a. Suspend nonessential employee travel.
 - b. Ensure employees practice social distancing and do not work within six feet of one another.
 - c. Urge essential employees to stay home when they are sick and maximize flexibility in sick leave benefits.
 - d. Do not require a doctor's note for employees who are sick.
 - e. Maximize telecommuting options.
 - f. Persons who need to be at work to provide essential services of great benefit to the community must take steps in their workplace to minimize risk.
- (3) Cancel Non-essential Events
 - a. Cancel non-essential events.
 - b. Do not attend any essential or non-essential events or gatherings, if sick.
 - c. For events that meet the Recommendations herein and which aren't cancelled, we recommend:

1. Having hand washing capabilities, hand sanitizers and tissues available.
 2. Frequently cleaning high touch surface areas like counter tops and handrails.
 3. Finding ways to implement social distancing.
- (4) Schools: Safety First
- a. Do not have your child attend school if sick.
 - b. If you have a child with chronic health conditions, consult the child's doctor about school attendance.
 - c. Schools should equip all classrooms with hand sanitizers and tissues.
 - d. Recommend rescheduling or cancelling events that are not essential.
 - e. Explore remote teaching and online options to continue learning.
 - f. Schools should develop a plan for citywide school closures, and families should prepare for further closures.
- (5) Transit: Cleaning and Protection
- a. Increase cleaning of vehicles and high touch surface areas.
 - b. Provide hand washing/hand sanitizers and tissues in stations and on vehicles.
 - c. Ensure social distancing practices are implemented to the full extent possible.
- (6) Health Care Settings: Avoid as possible, protect the vulnerable
- a. Long-term care facilities should have a COVID-19 plan in accordance with CDC or state guidelines.
 - b. Long-term care facilities should restrict all visitation except for certain compassionate care situations, such as end of life situations.
 - c. The general public should avoid going to medical settings such as hospitals, nursing homes and long-term care facilities, even if you are not ill.

- d. If you are ill, call your health care provider ahead of time, and you may be able to be served by phone.
- e. Do not visit emergency rooms unless it is essential.
- f. Follow guidance and directions of all facilities.

(7) Everyone: Do your part

The best way for all McKinney residents to reduce their risk of getting sick, as with seasonal colds or the flu, still applies to prevent COVID-19:

- a. Wash hands with soap and water for at least 20 seconds.
- b. Cough or sneeze into your elbow or a tissue. Throw the tissue in the trash.
- c. Stay home if you are sick.
- d. Avoid touching your face.
- e. Try alternatives to shaking hands, like an elbow bump or wave.
- f. If you have recently returned from a country, state or region with ongoing COVID-19 infections, monitor your health and follow the instructions of public health officials and CDC guidance.
- g. There is no recommendation to wear masks at this time to prevent yourself from getting sick.

You can also prepare for the disruption caused by an outbreak. Preparedness actions include:

- a. Prepare to work from home if that is possible for your job, and your employer.
- b. Make sure you have a supply of all essential medications for your family.
- c. Prepare a childcare plan if you or a caregiver are sick.
- d. Make arrangements about how your family will manage school closures.
- e. Plan for how you can care for a sick family member without getting sick yourself.

- f. Take care of each other and check in by phone with friends, family and neighbors that are vulnerable to serious illness or death if they get COVID-19.
- g. Keep common spaces clean to help maintain a healthy environment for you and others. Frequently touched surfaces should be cleaned regularly with disinfecting sprays, wipes or common household cleaning products.

SECTION 9. This Declaration hereby incorporates and enacts the following regulations from the Governor's Executive Order No. GA-08 regarding the conduct of persons/people and schools:

- 1. Every person shall avoid social gatherings of more than 10 people.
- 2. People shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms or massage parlors; provided, however, that the use of drive-thru, pickup, or delivery options is allowed and highly encouraged.
- 3. People shall not visit nursing homes or retirement or long-term care facilities unless to provide critical assistance.
- 4. Schools shall temporarily close.

SECTION 10. This Declaration hereby incorporates Collin County Judge Chris Hill's Order of March 24, 2020 and finds it consistent herewith in all respects.

SECTION 11. That this declaration hereby authorizes the use of all lawfully available enforcement tools.

SECTION 12. Any person, firm or corporation violating any of the provisions of this Declaration commits an offense, punishable by a fine up to \$1000.00, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 13. That this Declaration shall take effect in accordance with Section 7 above. McKinney City Council Ordinance 2020-03-022 shall remain in effect up until such time.

SO DECLARED AND ORDERED this 25th day of March, 2020.



George C. Fuller
Mayor