ORDINANCE NUMBER 971

AN ORDINANCE ISSUING A SHELTER IN PLACE ORDER; DECLARING AN EMERGENCY

WHEREAS, as a result of the COVID-19 pandemic, the City of Burkburnett is currently facing exposure of its citizens to this deadly virus, as well as tremendous economic losses; and,

WHEREAS, on March 20, 2020, Mayor Carl Law signed a Mayoral Declaration of Local State of Disaster Due to Public Health Emergency; and,

WHEREAS, on March 23, 2020 at a Special-Called meeting the, Board of Commissioners extended the Mayoral Declaration of Local State of Disaster Due to Public Health Emergency until April 20, 2020; and,

WHEREAS, Wichita County has had 15 positive cases of the virus at the time of the adoption of this Ordinance; and,

WHEREAS, the Board of Commissioners has determined it to be in the best interests of the citizens of Burkburnett to issue the attached Shelter in Place Order

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, THAT:

1. Pursuant to Section 418.108 of the Texas Government Code, the Board of Commissioners hereby approves the Shelter in Place Order, herein attached as **Exhibit 1**.
2. This ordinance is passed as an emergency measure and shall become effective immediately upon its passage and shall be in effect until the Wichita County Judge issues a shelter in place order. At which time, the Wichita County order will control in the event of a conflict between this Ordinance and the Wichita County order.

PASSED AND APPROVED THIS THE 27TH DAY OF MARCH 2020.

____CARL LAW_____
Carl Law, Mayor
City of Burkburnett, Texas

ATTEST:

____MARGIE POOLE_____
Margie Poole, City Clerk

EXHIBIT 1

SHELTER IN PLACE ORDER BY THE MAYOR
AND BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT
MARCH 27, 2020

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency regarding COVID-19; and,

WHEREAS, March 13, 2020, Governor Greg Abbott declared a national emergency regarding COVID-19; and,

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

WHEREAS, on March 15, 2020, the Centers for Disease Control and Prevention ("CDC") recommended that organizers (whether groups or individuals) cancel or postpone in-person events that consist of 50 people or more throughout the United States; 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; and,

WHEREAS, on March 19, 2020, Governor Abbott issued Executive Order GA 08 Relating to COVID-19 Preparedness and Mitigating, stating people shall avoid social gatherings in groups of more than 10 people and closed all schools until April 3, 2020; and,

WHEREAS, at his March 22, 2020 press conference, the Governor acknowledged that the urban centers may need to enact more stringent measures to address this public health emergency and stated that he would applaud the cities for doing so; and,

WHEREAS, as of March 25, 2020, there are 974 persons confirmed to have COVID-19 in Texas, with 10 of those residing in Wichita County, Texas;

WHEREAS, because of the risk of the rapid spread of the virus, the need to protect the most vulnerable members of the community, the intent to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, and the desire to slow the spread of COVID-19 to the maximum extent possible, this Order is required; and,

WHEREAS, this Order is issued based on evidence of increasing occurrence of COVID-19 within the City and throughout the Central Texas area, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, the evidence that the age, condition, and health of a significant portion of the population of the City places it at risk for serious health complications, including death, from COVID-19; and,

WHEREAS, making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus; and,

WHEREAS, because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus; and,

WHEREAS, the scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this Order helps preserve critical and limited healthcare capacity in the City; and,

WHEREAS, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease, including isolation, surveillance, quarantine, or placement of persons under public health observation; and,

WHEREAS, the Mayor and Board of Commissioners have determined that extraordinary and immediate measures must be taken to respond quickly to prevent and slow down community spread of COVID-19.

WHEREAS, further restriction of movement of persons is necessary to reduce the substantial risk of harm to the public and, therefore, as long as this Order is in effect, all individuals anywhere in the City of Burkburnett are required to shelter in place, except to perform certain essential activities, or to perform work in or obtain services from an Essential Business, Essential Government Service, or in Critical Infrastructure.

NOW, THEREFORE, I, MAYOR OF THE CITY OF BURKBURNETT, ALONG WITH THE BURKBURNETT BOARD OF COMMISSIONERS, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND, RESOLVE AND ORDER THAT:

SECTION 1. The foregoing recitals are incorporated herein and made findings of fact.
The previously declared local state of disaster for the City of Burkburnett, Texas, is hereby renewed and continued, as amended herein.

Pursuant to §418.108(b) of the Texas Government Code, this renewal and continuance of the declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Clerk.

Pursuant to §418.108(d) of the Texas Government Code, this renewal and continuance of the declaration of a local state of disaster activates the City's emergency management plan.

SECTION 2. Stay at Home or Place of Residence. Effective as of 11:59 p.m. on March 27, 2020, and continuing until 1:00 p.m. April 8, 2020, unless terminated or modified by a subsequent Order, the Mayor and the Board of Commissioners of the City of Burkburnett, Texas deem it in the public interest to issue this Order and ORDER that all individuals currently living within the City of Burkburnett shelter at their place of residence except as allowed by this Order. To the extent individuals are using shared or outdoor spaces, they shall, to the greatest extent feasible, maintain social distancing of at least six feet from any other person, consistent with the Social Distancing Requirements, as defined in Section 7 below. All persons may leave their residences only to perform certain Essential Activities, to perform work in or obtain services from an Essential Business, Essential Government Service, or in Critical Infrastructure, or to engage in Essential Travel or Minimum Basic Operations, all as defined in Section 7 below.

SECTION 3. Non-Essential Business and Operations Must Cease. All businesses or operations with a facility in the City of Burkburnett, except Essential Businesses and Essential Government Functions, as defined in Section 7 below, are required to cease all activities at facilities located within the City except Minimum Basic Operations as defined in Section 7 below. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (*i.e.*, working from home).

All Essential Businesses, Essential Government Service, and Critical Infrastructure are strongly encouraged to remain open, especially those that provide the basic necessities for food water, and shelter. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 7 below.

This Order shall not be construed to hinder the ability of the industries identified in the U.S. Department of Homeland Security Cyber and Infrastructure Security Agency's ("CISA") Essential Critical Infrastructure Workforce Memorandum dated March 19, 2020, incorporated in this Order by reference as **Exhibit A**, to continue their operation appropriately modified to account for CDC workforce and consumer protection guidance, and the list of industries identified on that memorandum is incorporated in this Order by reference.

SECTION 4. Prohibited Activities. All public and private gatherings of any number of people occurring outside a single household or dwelling unit are prohibited, except for the limited purposes as expressly permitted by this Order. Nothing in this Order prohibits the gathering of members of a household or dwelling unit.

SECTION 5. Travel. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, is prohibited except for purposes of Essential Travel, performing Essential Activities or going to work in an Essential Business, Government Facility, or Critical Infrastructure, as defined in Section 7 below. To the greatest extent feasible, people riding on public transit shall comply with Social Distancing Requirements as defined in Section 7 below.

SECTION 6. Prior Order. The findings and recitations set out in the preamble to this Order are found to be true and correct and they are hereby adopted by the Mayor and the Board of

Commissioners and made a part hereof for all purposes. This Order rescinds and replaces prior Orders.

SECTION 7. Definitions and Exemptions.

a. **Essential Activities.** For purposes of this Order, individuals may leave their residence only to perform any of the following "Essential Activities." But people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible, except as necessary to seek medical care.

i. **For Health and Safety.** Individuals may engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), to work for or obtain services at any "Healthcare Operations," as defined in Section 7.e.i., below;

ii. **For Necessary Supplies and Services.** Individuals may obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, groceries and food, including pet supplies and food, supplies they need to work from home, household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences;

iii. **For Outdoor Activity.** Individuals may engage in outdoor activity, such as, by way of example and without limitation, walking, hiking, bicycling, or running, provided the individuals comply with Social Distancing Requirements as defined in this section. Individuals shall not use public playground equipment, public picnic tables, public basketball courts, and other public sports and recreational equipment;

iv. **For Certain Types of Work.** Individuals may perform work providing essential products and services at an Essential Business, Government Service, or Critical Infrastructure, or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations; or

v. **To Take Care of Others.** Individuals may care for a family member or pet in another household.

b. **Critical Infrastructure.** As defined in **Exhibit B**, incorporated in this Order by reference.

c. **Essential Government Functions.** All sworn Police Department, Fire Department, and Emergency Medical Services personnel, emergency management personnel, and emergency dispatchers; essential court personnel, legal personnel; child protection and child welfare personnel; all military personnel; all personnel working for companies (including their subcontractors) who perform under contract to the Department of Defense providing materials and services to the Department of Defense; all personnel working for companies (including their subcontractors) who perform work under contract to State or Federal Governmental Entities for which they are required under state or federal law to remain open; and all law enforcement personnel, housing and shelter personnel, and others working

for or to support Essential Businesses or Critical Infrastructure are categorically exempt from this Order. This Order does not apply to the Federal or State Government.

For purposes of this Order, "Essential Government Functions" means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public and all agencies that provide for the health, safety and welfare of the public. The City Manager shall determine its Essential Government Functions and identify employees and/or contractors necessary to perform those functions. To the extent feasible, all Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section.

d. **Businesses Covered by this Order.** For the purposes of this Order, covered businesses include 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.

e. **Essential Businesses.** For the purposes of this Order, "Essential Businesses" means:

i. **Healthcare Operations.** Healthcare Operations and Critical Infrastructure, including but not limited to caregivers, hospital and laboratory personnel, and pharmacy employees, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, and related retail sales or any related and/or ancillary healthcare services. "Healthcare Operations" also includes veterinary care and all healthcare and life-saving services provided to animals. This shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness and exercise gyms or other similar facilities and does not include retail outlets that specialize in the selling of electronic cigarette products or cannabidiol products;

ii. **Stores that sell Groceries and Certain Other Essential Supplies.** Grocery stores, supermarkets, big-box stores, farmers' markets, food banks, convenience stores, liquor 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). 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. Essential supplies do not include the sale of grasses, plants, flowers or trees, and these items are prohibited from being sold by any business;

iii. **Food Cultivation.** Food cultivation, including farming livestock, and fishing;

iv. **Social Services and Charitable Organizations.** Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;

v. **News Media.** Newspapers, television, radio, and other news media services;

vi. **Gas Stations and Businesses Needed for Transportation.** Gas stations, auto-manufacturing and assembly, auto mechanics, auto-supply, auto-repair, and other related facilities;

vii. **Financial Institutions.** Banks and related financial institutions, consumer lenders, sales and finance lenders, credit unions, appraisers, title companies, pawn shops, entities that issue bonds, insurance companies, underwriters, agents, brokers, and related insurance claims and agents;

viii. **Hardware and Supply Stores.** Hardware stores and businesses that sell electrical, plumbing, and other material necessary to support Essential Businesses, Critical Infrastructure, and Essential Government Functions;

ix. **Critical Trades.** Plumbers, electricians, exterminators, pool cleaners, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, essential activities, Essential Businesses, essential Government Functions, or Critical Infrastructure, including but not limited to utilities such as electricity, gas, water and wastewater, and other public works;

x. **Mail and Delivery services.** Businesses providing mailing and shipping services, including post office boxes;

xi. **Laundry Services.** Laundromats, dry cleaners, and laundry service providers;

xii. **Restaurants for Consumption Off-Premises.** Restaurants and other facilities that prepare and serve food or alcohol, but only for delivery, drive-through, or carry out. All individuals who obtain food or beverages from these establishments are required to leave the premises of said establishment within five minutes of receiving their food or beverage. Premises of these establishments includes all indoor and outdoor facilities, including parking lots. Individuals shall not consume food or beverages on the premises of any establishment regulated under this subsection. Truck drivers holding CDL licenses and who are operating a semi-tractor-trailer truck for commercial purposes are exempt from the food requirements of this subsection while they are on the premises of any truck stop or travel center. Said truck drivers are limited to eating only in their semi-trucks while on said premises. Schools and other entities that typically provide free 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 and 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;

xiii. **Supplies to Work from Home.** Businesses that supply products needed for people to work from home;

xiv. **Supplies for Essential Businesses, Critical Infrastructure and Essential Government Functions.** Businesses that supply other Essential Businesses, Critical Infrastructure, and essential Government Functions

with the support, supplies, or components necessary to operate, including but not limited to computers, audio and video electronics, microelectronics, semiconductors, hardware, paint, electrical and plumbing material, sanitary equipment, medical equipment, and food and beverages;

xv. **Food Delivery Services.** Businesses that ship or deliver groceries, food, goods or services directly to residences;

xvi. **Transportation.** Aircraft, taxis, and other private transportation providers (such as Uber and Lyft) that provide transportation services necessary for the performance of essential activities, essential Businesses, Critical Infrastructure, Essential Government Functions, or Essential Travel;

xvii. **Home-Based Care and Services.** Home-based care for seniors, adults, or children, including caregivers who may travel to provide care;

xviii. **Residential Facilities and Shelters.** Residential facilities and shelters for seniors, adults, children, and animals;

xix. **Professional Services.** Professional services, such as legal or accounting services, and insurance services when necessary to assist in compliance with legally mandated activities or to further Essential Businesses, essential Government functions, or Critical Infrastructure;

xx. **Real Estate Services.** Real estate services are limited to those necessary to assist in compliance with legally mandated activities or to further Essential Businesses, Essential Government Functions, or Critical Infrastructure. Real Estate companies are allowed to perform property management services and are allowed to finalize closing activities for all real estate contracts in existence as of March 27, 2020. Services do not include accepting new real estate listings or showing any real estate listing.

xxi. **Lawn Maintenance Services.** Essential lawn maintenance services are limited to the mowing of weeds and grass and to the emergency removal of trees that pose a health and safety hazard.

xxii. **Automobile dealerships.** Car dealerships may provide repairs and parts services. Car dealers may remain open only for individuals who need to purchase vehicles to perform essential functions and travel and for businesses that need vehicles for essential business and essential government services. Showrooms are to be open to such individuals by appointment only.

xxiii. **Information Technology Services.** IT and IT services and their essential services vendors, including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, web-based services, and critical manufacturing, as well as telecommunications services, internet access, and broadband/communications services;

xxiv. **Moving Supply Services.** Businesses that provide rental and/or commercial moving services and necessary moving supplies;

xxv. **Hotels and Motels.** Hotels and motels, to the extent used for lodging or delivery or carry-out food services;

xxvi. **Funeral, mortuary, cremation, burial, cemetery, and related services**, provided that social distancing of six feet per person is maintained to the

greatest extent possible and no more than ten (10) persons are present during the activity;

xxvii. **Educational Institutions.** Educational institutions-including public and private K-12 schools, colleges, and universities-for purposes of facilitating distance learning, performing critical research, or performing other essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible; and,

xxviii. **Childcare Facilities.** Childcare facilities providing services that enable individuals exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions;

i. Childcare must be carried out in stable groups of 10 or fewer ("stable" means that the same 10 or fewer children are in the same group each day);

ii. Children shall not change from one group to another;

iii. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.

iv. Childcare providers shall remain solely with one group of children.

f. **Minimum Basic Operations.** For the purposes of this Order, "Minimum Basic Operations" include the following, provided that employees comply with Social Distancing Requirements as defined in this Section, to the extent possible, while carrying out such operations:

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; or

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

g. **Essential Travel.** For the purposes of this Order, "Essential Travel" includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section.

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

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, or any other related services;

iv. Travel to retain from or to a place of residence from outside the jurisdiction (e.g., returning home from a closing university);

v. Travel required by law enforcement or court order;

vi. Travel by church staff/clergy for the purpose of producing of remote delivery of religious services or other ministries requiring travel; or,

vii. 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.

h. **Residences.** For purposes of this Order, residences include single family homes, multiple family homes, hotels, motels, shared rental units, and similar facilities.

i. **Social Distancing Requirements.** For purposes of this Order, Social Distancing Requirements include maintain at least a six-foot distance from other individuals, washing hands with soap and water for at least 20 seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

SECTION 8. Failure to Comply. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.

SECTION 9. Enforcement. The Burkburnett Police Department, Wichita County Sheriff's Office, and other Texas peace officers, are hereby authorized to enforce this order. A violation of this order may be punishable through criminal or civil enforcement. A violation of this order shall be a misdemeanor and the penalty for violating this order shall be a fine of not less than one dollar ($1.00) and no more than one thousand dollars ($1,000.00), or confinement in jail for a term that does not exceed 180 days. as authorized by Texas Government Code 418.173.

SECTION 10. Legal Remedy. Any violation of this resolution can be enjoined by a suit filed in the name of the City of Burkburnett in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this Order or in the Code of Ordinances, City of Burkburnett, Texas.

SECTION 11. Posting of this Order. The City of Burkburnett will post this Order on its website.

SECTION 12. Savings Clause. If any provision of this Order or its application to any person or circumstance is held by a court of competent jurisdiction to be invalid or unconstitutional, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

PASSED AND APPROVED THIS 27th DAY OF MARCH 2020.

_____CARL LAW_____
Carl Law, Mayor
City of Burkburnett, Texas

ATTEST:

____MARGIE POOLE_____
Margie Poole, City Clerk

U.S. Department of Homeland Security
Cybersecurity & Infrastructure Security Agency
Office of the Director
Washington, DC 20528

March 19, 2020

MEMORANDUM ON IDENTIFICATION OF ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS DURING COVID-19 RESPONSE

FROM: Christopher C. Krebs
Director
Cybersecurity and Infrastructure Security Agency (CISA)

As the Nation comes together to slow the spread of COVID-19, on March 16th, the President issued updated Coronavirus Guidance for America. This guidance states that:

> *"If you work in a critical infrastructure industry, as defined by the Department of Homeland Security, such as healthcare services and pharmaceutical and food supply, you have a special responsibility to maintain your normal work schedule."*

The Cybersecurity and Infrastructure Security Agency (CISA) executes the Secretary of Homeland Security's responsibilities as assigned under the Homeland Security Act of 2002 to provide strategic guidance, promote a national unity of effort, and coordinate the overall federal effort to ensure the security and resilience of the Nation's critical infrastructure. CISA uses trusted partnerships with both the public and private sectors to deliver infrastructure resilience assistance and guidance to a broad range of partners.

In accordance with this mandate, and in collaboration with other federal agencies and the private sector, CISA developed an initial list of "Essential Critical Infrastructure Workers" to help State and local officials as they work to protect their communities, while ensuring continuity of functions critical to public health and safety, as well as economic and national security. The list can also inform critical infrastructure community decision-making to determine the sectors, sub-sectors, segments, or critical functions that should continue normal operations, appropriately modified to account for Centers for Disease Control (CDC) workforce and customer protection guidance.

The attached list identifies workers who conduct a range of operations and services that are essential to continued critical infrastructure viability, including staffing operations centers, maintaining and repairing critical infrastructure, operating call centers, working construction, and performing management functions, among others. The industries they support represent, but are not necessarily limited to, medical and healthcare, telecommunications, information technology systems, defense, food and agriculture, transportation and logistics, energy, water and wastewater, law enforcement, and public works.

EXHIBIT A

We recognize that State, local, tribal, and territorial governments are ultimately in charge of implementing and executing response activities in communities under their jurisdiction, while the Federal Government is in a supporting role. As State and local communities consider COVID-19-related restrictions, CISA is offering this list to assist prioritizing activities related to continuity of operations and incident response, including the appropriate movement of critical infrastructure workers within and between jurisdictions.

Accordingly, this list is advisory in nature. It is not, nor should it be considered to be, a federal directive or standard in and of itself.

In addition, these identified sectors and workers are not intended to be the authoritative or exhaustive list of critical infrastructure sectors and functions that should continue during the COVID-19 response. Instead, State and local officials should use their own judgment in using their authorities and issuing implementation directives and guidance. Similarly, critical infrastructure industry partners will use their own judgment, informed by this list, to ensure continued operations of critical infrastructure services and functions. All decisions should appropriately balance public safety while ensuring the continued delivery of critical infrastructure services and functions.

CISA will continue to work with you and our partners in the critical infrastructure community to update this list as the Nation's response to COVID-19 evolves. We also encourage you to submit how you might use this list so that we can develop a repository of use cases for broad sharing across the country.

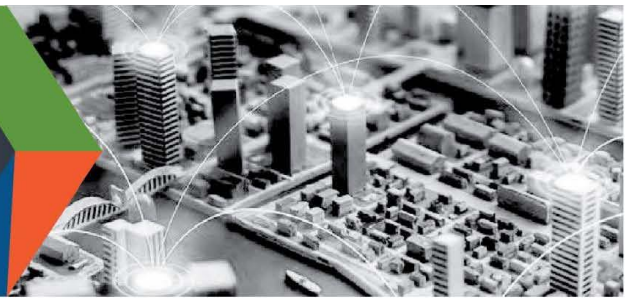
Should you have questions about this list, please contact CISA at CISA.CAT@cisa.dhs.gov.

Attachment: "Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response"

EXHIBIT A

CISA
CYBER+INFRASTRUCTURE

DEFEND TODAY, SECURE TOMORROW



Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response

Version 1.1 (March 23, 2020)

THE IMPORTANCE OF ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS

Functioning critical infrastructure is imperative during the response to the COVID-19 emergency for both public health and safety as well as community well-being. Certain critical infrastructure industries have a special responsibility in these times to continue operations.

This guidance and accompanying list are intended to support State, Local, and industry partners in identifying the critical infrastructure sectors and the essential workers needed to maintain the services and functions Americans depend on daily and that need to be able to operate resiliently during the COVID-19 pandemic response.

This document gives guidance to State, local, tribal, and territorial jurisdictions and the private sector on defining essential critical infrastructure workers. Promoting the ability of such workers to continue to work during periods of community restriction, access management, social distancing, or closure orders/directives is crucial to community resilience and continuity of essential functions.

CONSIDERATIONS FOR GOVERNMENT AND BUSINESS

This list was developed in consultation with federal agency partners, industry experts, and State and local officials, and is based on several key principles:

1. Response efforts to the COVID-19 pandemic are locally executed, State managed, and federally supported
2. Everyone should follow guidance from the CDC, as well as State and local government officials, regarding strategies to limit disease spread.
3. Workers should be encouraged to work remotely when possible and focus on core business activities. In-person, non-mandatory activities should be delayed until the resumption of normal operations.
4. When continuous remote work is not possible, businesses should enlist strategies to reduce the likelihood of spreading the disease. This includes, but is not necessarily limited to, separating staff by off-setting shift hours or days and/or social distancing. These steps can preserve the workforce and allow operations to continue.

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www.cisa.gov

For more information,
email CISA.CAT@cisa.dhs.gov

Linkedin.com/company/cybersecurity-and-infrastructure-security-agency

@CISAgov | @cyber | @uscert_gov

Facebook.com/CISA

EXHIBIT A

5. All organizations should implement their business continuity and pandemic plans, or put plans in place if they do not exist. Delaying implementation is not advised and puts at risk the viability of the business and the health and safety of the employees.

6. In the modern economy, reliance on technology and just-in-time supply chains means that certain workers must be able to access certain sites, facilities, and assets to ensure continuity of functions.

7. Government employees, such as emergency managers, and the business community need to establish and maintain lines of communication.

8. When government and businesses engage in discussions about critical infrastructure workers, they need to consider the implications of business operations beyond the jurisdiction where the asset or facility is located. Businesses can have sizeable economic and societal impacts as well as supply chain dependencies that are geographically distributed.

9. Whenever possible, jurisdictions should align access and movement control policies related to critical infrastructure workers to lower the burden of workers crossing jurisdictional boundaries.

IDENTIFYING ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS

The following list of sectors and identified essential critical infrastructure workers are an initial recommended set and are intended to be overly inclusive reflecting the diversity of industries across the United States. CISA will continually solicit and accept feedback on the list (both sectors/sub sectors and identified essential workers) and will evolve the list in response to stakeholder feedback. We will also use our various stakeholder engagement mechanisms to work with partners on how they are using this list and share those lessons learned and best practices broadly. We ask that you share your feedback, both positive and negative on this list so we can provide the most useful guidance to our critical infrastructure partners. Feedback can be sent to CISA.CAT@CISA.DHS.GOV.

EXHIBIT A

HEALTHCARE / PUBLIC HEALTH

- Workers providing COVID-19 testing; Workers that perform critical clinical research needed for COVID-19 response
- Caregivers (e.g., physicians, dentists, psychologists, mid-level practitioners, nurses and assistants, infection control and quality assurance personnel, pharmacists, physical and occupational therapists and assistants, social workers, speech pathologists and diagnostic and therapeutic technicians and technologists)
- Hospital and laboratory personnel (including accounting, administrative, admitting and discharge, engineering, epidemiological, source plasma and blood donation, food service, housekeeping, medical records, information technology and operational technology, nutritionists, sanitarians, respiratory therapists, etc.)
- Workers in other medical facilities (including Ambulatory Health and Surgical, Blood Banks, Clinics, Community Mental Health, Comprehensive Outpatient rehabilitation, End Stage Renal Disease, Health Departments, Home Health care, Hospices, Hospitals, Long Term Care, Organ Pharmacies, Procurement Organizations, Psychiatric Residential, Rural Health Clinics and Federally Qualified Health Centers)
- Manufacturers, technicians, logistics and warehouse operators, and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals (including materials used in radioactive drugs), blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products
- Public health / community health workers, including those who compile, model, analyze and communicate public health information
- Blood and plasma donors and the employees of the organizations that operate and manage related activities
- Workers that manage health plans, billing, and health information, who cannot practically work remotely
- Workers who conduct community-based public health functions, conducting epidemiologic surveillance, compiling, analyzing and communicating public health information, who cannot practically work remotely
- Workers performing cybersecurity functions at healthcare and public health facilities, who cannot practically work remotely
- Workers conducting research critical to COVID-19 response
- Workers performing security, incident management, and emergency operations functions at or on behalf of healthcare entities including healthcare coalitions, who cannot practically work remotely
- Workers who support food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, such as those residing in shelters
- Pharmacy employees necessary for filling prescriptions
- Workers performing mortuary services, including funeral homes, crematoriums, and cemetery workers
- Workers who coordinate with other organizations to ensure the proper recovery, handling, identification, transportation, tracking, storage, and disposal of human remains and personal effects; certify cause of death; and facilitate access to mental/behavioral health services to the family members, responders, and survivors of an incident

EXHIBIT A

LAW ENFORCEMENT, PUBLIC SAFETY, FIRST RESPONDERS

- Personnel in emergency management, law enforcement, Emergency Management Systems, fire, air medical, and corrections, including front line and management
- Emergency Medical Service Technicians
- 911 call center employees
- Fusion Center employees
- Hazardous material responders from government and the private sector.
- Workers – including contracted vendors – who maintain, manufacture, or supply digital systems infrastructure supporting law enforcement emergency service, and response operations.

FOOD AND AGRICULTURE

- Workers supporting groceries, pharmacies, convenience stores, and other retail that sells human food, animal/pet food, and beverage products
- Restaurant carry-out and quick serve food operations - Carry-out and delivery food employees
- Food manufacturer employees and their supplier employees—to include those employed in food processing (packers, meat processing, cheese plants, milk plants, produce, etc.) facilities; livestock, poultry, seafood slaughter facilities; pet and animal feed processing facilities; human food facilities producing by-products for animal food; beverage production facilities; and the production of food packaging
- Farm workers to include those employed in animal food, feed, and ingredient production, packaging, and distribution; manufacturing, packaging, and distribution of veterinary drugs; truck delivery and transport; farm and fishery labor needed to produce our food supply domestically
- Farm workers and support service workers to include those who field crops; commodity inspection; fuel ethanol facilities; storage facilities; and other agricultural inputs
- Employees and firms supporting food, feed, and beverage distribution, including warehouse workers, vendor-managed inventory controllers and blockchain managers
- Workers supporting the sanitation of all food manufacturing processes and operations from wholesale to retail
- Company cafeterias - in-plant cafeterias used to feed employees
- Workers in food testing labs in private industries and in institutions of higher education
- Workers essential for assistance programs and government payments
- Employees of companies engaged in the production, storage, transport, and distribution of chemicals, medicines, vaccines, and other substances used by the food and agriculture industry, including pesticides, herbicides, fertilizers, minerals, enrichments, and other agricultural production aids
- Animal agriculture workers to include those employed in veterinary health; manufacturing and distribution of animal medical materials, animal vaccines, animal drugs, feed ingredients, feed, and bedding, etc.; transportation of live animals, animal medical materials; transportation of deceased animals for disposal; raising of animals for food; animal production operations; slaughter and packing plants, renderers, and associated regulatory and government workforce
- Workers who support the manufacture and distribution of forest products, including, but not limited to timber, paper, and other wood products
- Employees engaged in the manufacture and maintenance of equipment and other infrastructure necessary to agricultural production and distribution

EXHIBIT A

ENERGY

Electricity industry:

- Workers who maintain, ensure, or restore, or are involved in the development, transportation, fuel procurement, expansion, or operation of the generation, transmission, and distribution of electric power, including call centers, utility workers, reliability engineers and fleet maintenance technicians
- Workers needed for safe and secure operations at nuclear generation
- Workers at generation, transmission, and electric blackstart facilities
- Workers at Reliability Coordinator (RC), Balancing Authorities (BA), and primary and backup Control Centers (CC), including but not limited to independent system operators, regional transmission organizations, and balancing authorities
- Mutual assistance personnel
- IT and OT technology staff – for EMS (Energy Management Systems) and Supervisory Control and Data Acquisition (SCADA) systems, and utility data centers; Cybersecurity engineers; cybersecurity risk management
- Vegetation management crews and traffic workers who support
- Environmental remediation/monitoring technicians
- Instrumentation, protection, and control technicians

Petroleum workers:

- Petroleum product storage, pipeline, marine transport, terminals, rail transport, road transport
- Crude oil storage facilities, pipeline, and marine transport
- Petroleum refinery facilities
- Petroleum security operations center employees and workers who support emergency response services
- Petroleum operations control rooms/centers
- Petroleum drilling, extraction, production, processing, refining, terminal operations, transporting, and retail for use as end-use fuels or feedstocks for chemical manufacturing
- Onshore and offshore operations for maintenance and emergency response
- Retail fuel centers such as gas stations and truck stops, and the distribution systems that support them

Natural and propane gas workers:

- Natural gas transmission and distribution pipelines, including compressor stations
- Underground storage of natural gas
- Natural gas processing plants, and those that deal with natural gas liquids
- Liquefied Natural Gas (LNG) facilities
- Natural gas security operations center, natural gas operations dispatch and control rooms/centers natural gas emergency response and customer emergencies, including natural gas leak calls
- Drilling, production, processing, refining, and transporting natural gas for use as end-use fuels, feedstocks for chemical manufacturing, or use in electricity generation
- Propane gas dispatch and control rooms and emergency response and customer emergencies, including propane leak calls
- Propane gas service maintenance and restoration, including call centers

EXHIBIT A

- Processing, refining, and transporting natural liquids, including propane gas, for use as end-use fuels or feedstocks for chemical manufacturing
- Propane gas storage, transmission, and distribution centers

WATER AND WASTEWATER

Employees needed to operate and maintain drinking water and wastewater/drainage infrastructure, including:

- Operational staff at water authorities
- Operational staff at community water systems
- Operational staff at wastewater treatment facilities
- Workers repairing water and wastewater conveyances and performing required sampling or monitoring
- Operational staff for water distribution and testing
- Operational staff at wastewater collection facilities
- Operational staff and technical support for SCADA Control systems
- Chemical suppliers for wastewater and personnel protection
- Workers that maintain digital systems infrastructure supporting water and wastewater operations

TRANSPORTATION AND LOGISTICS

- Employees supporting or enabling transportation functions, including truck drivers, bus drivers, dispatchers, maintenance and repair technicians, warehouse workers, truck stop and rest area workers, and workers that maintain and inspect infrastructure (including those that require cross-jurisdiction travel)
- Employees of firms providing services that enable logistics operations, including cooling, storing, packaging, and distributing products for wholesale or retail sale or use.
- Mass transit workers
- Workers responsible for operating dispatching passenger, commuter and freight trains and maintaining rail infrastructure and equipment
- Maritime transportation workers - port workers, mariners, equipment operators
- Truck drivers who haul hazardous and waste materials to support critical infrastructure, capabilities, functions, and services
- Automotive repair and maintenance facilities
- Manufacturers and distributors (to include service centers and related operations) of packaging materials, pallets, crates, containers, and other supplies needed to support manufacturing, packaging staging and distribution operations
- Postal and shipping workers, to include private companies
- Employees who repair and maintain vehicles, aircraft, rail equipment, marine vessels, and the equipment and infrastructure that enables operations that encompass movement of cargo and passengers
- Air transportation employees, including air traffic controllers and maintenance personnel, ramp workers, aviation and aerospace safety, security, and operations personnel and accident investigations
- Workers who support the maintenance and operation of cargo by air transportation, including flight crews, maintenance, airport operations, and other on- and off- airport facilities workers

EXHIBIT A

PUBLIC WORKS

- Workers who support the operation, inspection, and maintenance of essential dams, locks and levees
- Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including bridges, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues
- Workers such as plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences
- Support, such as road and line clearing, to ensure the availability of needed facilities, transportation, energy and communications
- Support to ensure the effective removal, storage, and disposal of residential and commercial solid waste and hazardous waste

COMMUNICATIONS AND INFORMATION TECHNOLOGY

Communications:

- Maintenance of communications infrastructure- including privately owned and maintained communication systems- supported by technicians, operators, call-centers, wireline and wireless providers, cable service providers, satellite operations, undersea cable landing stations (including cable marine depots and submarine cable ship operators), Internet Exchange Points, and manufacturers and distributors of communications equipment
- Workers who support radio, television, and media service, including, but not limited to front line news reporters, studio, and technicians for newsgathering and reporting
- Workers at Independent System Operators and Regional Transmission Organizations, and Network Operations staff, engineers and/or technicians to manage the network or operate facilities
- Engineers, technicians and associated personnel responsible for infrastructure construction and restoration, including contractors for construction and engineering of fiber optic cables
- Installation, maintenance and repair technicians that establish, support or repair service as needed
- Central office personnel to maintain and operate central office, data centers, and other network office facilities
- Customer service and support staff, including managed and professional services as well as remote providers of support to transitioning employees to set up and maintain home offices, who interface with customers to manage or support service environments and security issues, including payroll, billing, fraud, and troubleshooting
- Dispatchers involved with service repair and restoration

Information Technology:

- Workers who support command centers, including, but not limited to Network Operations Command Center, Broadcast Operations Control Center and Security Operations Command Center
- Data center operators, including system administrators, HVAC & electrical engineers, security personnel, IT managers, data transfer solutions engineers, software and hardware engineers, and database administrators
- Client service centers, field engineers, and other technicians supporting critical infrastructure, as well as

EXHIBIT A

manufacturers and supply chain vendors that provide hardware and software, and information technology equipment (to include microelectronics and semiconductors) for critical infrastructure
- Workers responding to cyber incidents involving critical infrastructure, including medical facilities, SLTT governments and federal facilities, energy and utilities, and banks and financial institutions, and other critical infrastructure categories and personnel
- Workers supporting the provision of essential global, national and local infrastructure for computing services (incl. cloud computing services), business infrastructure, web-based services, and critical manufacturing
- Workers supporting communications systems and information technology used by law enforcement, public safety, medical, energy and other critical industries
- Support required for continuity of services, including janitorial/cleaning personnel

OTHER COMMUNITY-BASED GOVERNMENT OPERATIONS AND ESSENTIAL FUNCTIONS

- Workers to ensure continuity of building functions
- Security staff to maintain building access control and physical securitymeasures
- Elections personnel
- Federal, State, and Local, Tribal, and Territorial employees who support Mission Essential Functions and communications networks
- Trade Officials (FTA negotiators; international data flowadministrators)
- Weather forecasters
- Workers that maintain digital systems infrastructure supporting other critical government operations
- Workers at operations centers necessary to maintain other essential functions
- Workers who support necessary credentialing, vetting and licensing operations for transportation workers
- Customs workers who are critical to facilitating trade in support of the national emergency response supply chain
- Educators supporting public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning or performing other essential functions, if operating under rules for social distancing
- Hotel Workers where hotels are used for COVID-19 mitigation and containment measures

CRITICAL MANUFACTURING

- Workers necessary for the manufacturing of materials and products needed for medical supply chains, and for supply chains associated with transportation, energy, communications, food and agriculture, chemical manufacturing, nuclear facilities, the operation of dams, water and wastewater treatment, emergency services, and the defense industrial base. Additionally, workers needed to maintain the continuity of these manufacturing functions and associated supply chains.

HAZARDOUS MATERIALS

- Workers at nuclear facilities, workers managing medical waste, workers managing waste from pharmaceuticals and medical material production, and workers at laboratories processing test kits
- Workers who support hazardous materials response and cleanup
- Workers who maintain digital systems infrastructure supporting hazardous materials management operations

EXHIBIT A

FINANCIAL SERVICES

- Workers who are needed to process and maintain systems for processing financial transactions and services (e.g., payment, clearing, and settlement; wholesale funding; insurance services; and capital markets activities)
- Workers who are needed to provide consumer access to banking and lending services, including ATMs, and to move currency and payments (e.g., armored cash carriers)
- Workers who support financial operations, such as those staffing data and security operations centers

CHEMICAL

- Workers supporting the chemical and industrial gas supply chains, including workers at chemical manufacturing plants, workers in laboratories, workers at distribution facilities, workers who transport basic raw chemical materials to the producers of industrial and consumer goods, including hand sanitizers, food and food additives, pharmaceuticals, textiles, and paper products.
- Workers supporting the safe transportation of chemicals, including those supporting tank truck cleaning facilities and workers who manufacture packaging items
- Workers supporting the production of protective cleaning and medical solutions, personal protective equipment, and packaging that prevents the contamination of food, water, medicine, among others essential products
- Workers supporting the operation and maintenance of facilities (particularly those with high risk chemicals and/or sites that cannot be shut down) whose work cannot be done remotely and requires the presence of highly trained personnel to ensure safe operations, including plant contract workers who provide inspections
- Workers who support the production and transportation of chlorine and alkali manufacturing, single-use plastics, and packaging that prevents the contamination or supports the continued manufacture of food, water, medicine, and other essential products, including glass container manufacturing

DEFENSE INDUSTRIAL BASE

- Workers who support the essential services required to meet national security commitments to the federal government and U.S. Military. These individuals, include but are not limited to, aerospace; mechanical and software engineers, manufacturing/production workers; IT support; security staff; security personnel; intelligence support, aircraft and weapon system mechanics and maintainers
- Personnel working for companies, and their subcontractors, who perform under contract to the Department of Defense providing materials and services to the Department of Defense, and government-owned/contractor-operated and government-owned/government-operated facilities

EXHIBIT A

EXHIBIT B
Critical Infrastructure Designations and Obligations

1. "Critical Infrastructure" is defined as all public and private facilities and assets, including both physical and cyber systems, and other functions and sectors vital to the security, governance, public health, safety, and economic continuity of the City of Burkburnett.
2. Critical Infrastructure includes but is not limited to the following:
    a. Banking and financial institutions;
    b. Transit and transit facilities, transportation services, equipment and facilities;
    c. Power, water, telecommunications, natural gas, and public utilities;
    d. Critical manufacturing, including components for primary metals, machinery, electrical equipment and components, health and safety products and equipment, and transportation equipment;
    e. Auto and vehicle parts manufacturing and assembly plants;
    f. Technology manufacturing companies;
    g. Information and communications, including press;
    h. Emergency services;
    i. Public health and medical services;
    j. Fire and law enforcement;
    k. Public works;
    l. Agriculture and food;
    m. Airport facilities and operations;
    n. Sanitation services;
    o. Other City government buildings or facilities, as designated by the City Manager;
    p. Construction, including public works construction, and construction of affordable housing or housing for individuals experiencing homelessness, social services construction, and other construction that supports essential uses, including essential businesses, government functions, or critical infrastructure, or otherwise as required in response to this public health emergency; and,
    q. Personnel and industries identified in the U.S. Department of Homeland Security Cyber and Infrastructure Security Agency's ("CISA") Essential Critical Infrastructure Workforce Memorandum dated March 19, 2020, to continue their operation appropriately modified to account for CDC workforce and consumer protection guidance.
3. Recommendations for Employees
    a. Employees who work in and around Critical Infrastructure should refrain from reporting to work when falling within any of the following criteria and should follow the initial self-quarantine recommendations:
        i. Has signs or symptoms of a respiratory infection, such as a cough, shortness of breath, or sore throat;
        ii. As a fever greater than 99.6°F;
        iii. In the previous 14 days has had contact with someone with a confirmed diagnosis of COVID-19 and did not have the appropriate personal protective equipment designated by the Centers for Disease Control and Prevention (CDC); is under investigation for COVID-19; or is ill with a respiratory illness; or

iv. Has traveled to an area the World Health Organization or CDC considers a "Hotspot."

4. Requirements for Employers
   a. Employers include public and private employers located and operating in and out of Critical Infrastructure. To prevent stigma and discrimination in the workplace, employers shall only adhere to the recommendations described in this Order to determine risk of COVID-19. Employers should contact their own human resources advisors and shall not make determinations of risk based on race, color, religion, sex, sexual orientation, gender identity, age, familial status, disability, marital status, student status, creed, national origin. To the extent possible, employers should maintain confidentiality of people with suspected or confirmed COVID-19.
   b. Employers shall follow the Requirements in Exhibits A and B, as applicable.
   c. Employers shall only allow persons in and around Critical Infrastructure that are: (1) employees not subject to any of the criteria in 3.a. above, (2) customers or members of the public to the extent Social Distancing can be maintained and the Requirements in Exhibit A are followed, and (3) persons with legal authority to enter, such as law enforcement.
   d. Prior to allowing employees into its facility, employers shall ask all employees if they meet any of the criteria in 3.a. above, and shall direct employees to return home if the employee is exhibiting symptoms and presenting a threat of infecting other employees at the Critical Infrastructure facility
   e. Employers shall immediately separate an employee who becomes sick or demonstrates a temperature greater than 99.6°F while at work from other employees and send that employee home.
   f. Human resources departments at Critical Infrastructure facilities shall create alternate work plans to help employees remain productive while keeping the workforce safe and healthy.
   g. Employers are strongly encouraged to require employees (either those exhibiting symptoms or all employees) to undergo non-invasive temperature readings prior to entering a Critical Infrastructure facility; however, employers are not mandated to take the temperature of employees prior to entrance to its facility. If the employer does take employees' temperatures and/or has first-hand knowledge that the employee's temperature exceeds 99.6°F, then the employer shall prohibit the employee from entering the facility or property.
   h. Employers shall create and implement an infectious disease response plan.

5. Future Requirements for Temperature Screening of Critical Infrastructure Employees.
   When there are sufficient supplies and a need is determined by the Health Authority, it may be ordered that employers screen the temperature of all employees entering facilities. Notice of this requirement will be posted on the Burkburnett-Wichita County Public Health District website. Whenever possible, the Health Authority will attempt to provide written notice by email to impacted entities.