

RESOLUTION NO. 2020-14

**CITY OF LEVELLAND, TEXAS
DECLARATION OF LOCAL DISASTER ORDER NO. 2
STAY AT HOME AMENDMENT, MODIFICATION AND REPLACEMENT**

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

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

WHEREAS, on March 19, 2020, the Mayor of the City of Levelland, Barbra Pinner, declared a local state of disaster for public health emergency pursuant to Section 418.108(a) of the Texas Government Code, based upon the need for extraordinary measures to contain COVID-19 and to prevent its spread throughout the City of Levelland; and

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

WHEREAS, the City Council of the City of Levelland determined that additional measures needed to be taken and on March 30th, issued by resolution a "Declaration of Local Disaster Order No. 1 - Stay at Home" in order to further contain COVID-19 and prevent its spread throughout the City of Levelland; and

WHEREAS, after the City Council issued Declaration of Local Disaster Order No. 1 - Stay at Home Mayoral Order No. 1, on March 31, 2020, the Governor of the State of Texas issued Executive Order GA-14 adding to and superseding Executive Order GA-08, further defining social distancing requirements, essential businesses and services, clarifying religious institutions as essential, affirming the closure of certain businesses, extending school closures until May 4, 2020 and superseding certain conflicting municipal orders; and

WHEREAS, the City Council of the City of Levelland has determined that due to the issuance of Executive Order GA-14, it is necessary to amend, modify and replace Declaration of Local Disaster Order No. 1 - Stay at Home issued on March 30, 2020 and that additional measures must to taken to further contain COVID-19 and prevent its spread throughout the City of Levelland; and

NOW THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF LEVELLAND, TEXAS, THAT:

SECTION 1. The recitals outlined above are found to be true and correct and are incorporated as if fully set forth herein.

SECTION 2. All terms and conditions of Declaration of Local Disaster Order No. 1 are replaced and supplanted in their entirety by this Declaration of Local Disaster Order No. 2. All other terms and conditions of the Mayoral Declaration of Local Disaster, which was signed and executed by the Mayor on March 19, 2020, renewed and extended by City Council Resolution

2020-09 and the additional terms and conditions found in Resolution 2020-09, remain in full force and effect and are continued to the extent they do not directly conflict with this Order No. 2.

SECTION 3. Pursuant to the authority granted to the Mayor under Texas Government Code Chapter 418 and by the general authority granted to home-rule municipalities under Texas Health and Safety Code § 122.006, the following is hereby ordered:

a. **STAY AT HOME**

i. All persons residing in the City of Levelland are ordered to STAY AT HOME or at their current place of residence. For purposes of this Order, "residence" includes 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;

ii. All public and private gatherings of any number of people occurring outside of a single household are hereby prohibited, except as otherwise provided in this Order. Nothing in this Order prohibits gatherings of members of a single household or living unit (an apartment for use by one family);

iii. Travel away from a person's regular place of residence should be only for the purpose of obtaining essential goods and services or to the person's place of employment which furnishes essential goods or services unless otherwise provided for in this Order. Further, when obtaining essential goods or services, such as groceries, **only those individuals absolutely necessary to obtain such goods or services should travel away from the place of residence;** and

iv. Any person who is sick or currently experiencing common COVID-19 symptoms, including fever, cough, or shortness of breath, is hereby ordered to STAY AT HOME until such time that:

A. He or she has had no fever for at least 72 hours without the use of fever reducing medicine, such as Tylenol; and

B. His or her other symptoms have improved; and

C. At least 14 days have passed since the symptoms first appeared.

v. If any person in a household has tested positive for COVID-19, all persons in the household are hereby ordered to STAY AT HOME and self-quarantine for a period of at least 14 days. Members of the household may not travel to work, school, or anywhere else until cleared by a medical professional.

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

b. **SPECIFIC CLOSURES**

In accordance with the Guidelines from the Governor, the President and the CDC, the following commercial businesses, for which social distancing guidelines are impractical or impossible, are hereby prohibited and are ordered to cease operation and close:

i. Non-essential Personal Services Businesses. Businesses which engage in direct, person-to-person services to the public which are not time-sensitive and which are not required for the immediate health or safety of the recipient, including, without limitation,

hair salons, barbershops, hair stylists, nail salons, tattoo parlors, piercing businesses, tanning salons, and hair removal waxing businesses;

ii. Non-essential Retail Establishments. Retail businesses which do not primarily sell or provide the products or services described below and considered Essential Services;

iii. Commercial Amusement and Entertainment Venues;

iv. Enclosed Shopping Malls. Any premises which include multiple adjacent retail establishments connected by an enclosed common area;

v. Group Meeting Spaces. Meeting rooms, ballrooms, or event spaces operated by multi-family apartment complexes or hotels.

c. ESSENTIAL SERVICES

The following businesses are hereby deemed essential and may continue to operate, provided federal and CDC guidelines are followed, including affirmative steps to ensure that social distancing of 6 feet is maintained:

i. Grocery Stores, Convenience Stores, Drug Stores, Pharmacies, and Package Stores;

ii. Pet Supply Stores, Veterinary Clinics, and Boarding Kennels (but not groomers);

iii. Healthcare Providers and Healthcare Facilities, including doctor and dental offices, physical therapists, hospitals, and clinics, provided they adhere to the Governor's Executive Order (GA 09) regarding elective procedures;

iv. Vehicle Fueling, Maintenance, and Repair Facilities;

v. Banks and Financial Institutions

vi. Agricultural services including plant and food cultivation, farming, fishing and raising livestock;

vii. Oil and gas services and production;

viii. Professional Services, including attorneys, accountants, engineers, title companies, insurance agents, and other licensed professionals;

ix. Office Buildings, where people work in individual enclosed spaces in groups of 10 or less;

x. Day Care Facilities;

xi. Homeless Shelters providing services for people experiencing homelessness;

xii. Non-profit Providers of Essential Services;

xiii. Essential Government Services and Facilities;

xiv. Residential Buildings, including hotels and motels (except Group Meeting and Event Spaces);

xv. Transit Facilities, where people may be in transit or waiting for transit, such as airports, bus stops, or bus stations;

xvi. Manufacturing, Distribution, and Logistics Facilities;

- xvii. Laundromats and Dry Cleaners;
- xviii. Call Centers;
- xix. Funeral homes, crematoriums and cemeteries provided that employees adhere to federal and CDC guidelines and funeral services may be held but no more than ten (10) non-employees may be present at the same time; and
- xx. Critical Infrastructure Businesses which support critical infrastructure or supply chain needs, as described by the Cyber & Infrastructure Security Agency (CISA) or as listed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0.

d. RELIGIOUS SERVICES

Religious services conducted in churches, congregations and houses of worship are considered essential. Religious institutions, churches and places of worship, if capable, must conduct their activities including their services from home or through remote audio or video services. In the event, and only in the event religious services cannot be conducted from home or through remote services, religious services may be conducted at the religious institution, church or place of worship but all religious services must be conducted consistent with the Guidelines from the President and the CDC, by practicing good hygiene, environmental cleanliness, and sanitation, and by implementing social distancing to prevent the spread of COVID-19. Religious institutions, churches and places of worship will remain open for the purpose of allowing staff and employees to perform those functions necessary for the production of the remote delivery of religious services or necessary to support online, telephone, email and other services. All staff and employees are required to adhere to federal and CDC guidelines, including affirmative steps to ensure that social distancing of 6 feet is maintained.

e. CONSTRUCTION, BUILDING SUPPLY BUSINESSES

Residential, Commercial, and Industrial Construction Sites and Building Supply and Home Improvement Retailers may remain open, provided federal and CDC guidelines are followed, including affirmative steps to ensure that social distancing of 6 feet is maintained, including for customers waiting to enter the premises of a retail store, and only if occupancy inside the retail premises is limited to no more than 100 persons or ½ of the posted occupancy limit, inclusive of employees, whichever is less; and

f. CAR DEALERSHIPS

All vehicle maintenance and repair components and facilities at automobile dealerships fall within the definition of an "Essential Business" found in Section 3.c. Other aspects of an automobile dealership may remain open but only under the following terms and conditions:

- i. All staff and employees are required to adhere to federal and CDC guidelines, including affirmative steps to ensure that social distancing of 6 feet is maintained.
- ii. All automobile sales must be conducted by online and telephone only.
- iii. Customers or other members of the public who walk-on to the outdoor portions of the automobile dealership must interact with the staff or employees of the dealership only by telephone, online or by other electronic communication methods. In-person contact is limited to the extent necessary to provide a business card and to be instructed to visit with a salesperson by telephone, online or electronically.

iv. Unless otherwise authorized herein, face-to-face/in-person interaction is prohibited.

v. To the extent possible, all transactions, including completing financing and leasing terms should be completed by telephone, online or by other electronic communication means. If person to person interaction is required, all social distancing guidelines must be followed.

vi. Vehicle delivery may take place at the dealership or other agreed upon location and all social distancing guidelines must be followed.

vii. All Showrooms are closed to the public.

viii. All test drives by customers/the public must be solo/unaccompanied by any staff member, salesperson or other employee of the automobile dealership and the dealership must sanitize the vehicle before and after each test drive.

g. RETAIL ESTABLISHMENTS – OTHER BUSINESSES

Retail Establishments and other businesses not specifically described above “Essential” or fall within Section 3.e. or 3.f. are closed to the public. However, all businesses may continue operations consisting exclusively of the following activities, and are encouraged to do so, provided federal and CDC guidelines are followed, including affirmative steps to ensure that social distancing of 6 feet is maintained between all employees and members of the public:

i. The use of drive through pickup, delivery, and curbside delivery for merchandise (no in-store pickup);

ii. Working remotely from home;

iii. Operations necessary to maintain security, payroll, upkeep, and maintenance of premises, equipment or inventory, including but not limited to the care and maintenance of livestock or animals;

iv. IT or other operations that facilitate employees working remotely from home;

v. Facilitate online or call-in sales performed by employees in a store or facility closed to the public;

vi. In-store repair services performed by employees in a store or facility closed to the public.

h. PUBLIC PARKS

Playgrounds, basketball courts, tennis courts, baseball fields and any area in a public park that is either entirely or partially enclosed and designed to concentrate people participating in an activity to one specific defined or delineated area are hereby CLOSED. The remaining areas of public parks including walking trails and bike paths and other open areas are open to the public and may be used by the public so long as patrons follow federal and CDC guidelines including ensuring that social distancing of 6 feet is maintained. The Levelland Country Club golf course remains open so long as individuals either walk the course or ride in a golf cart by themselves and so long as patrons follow federal and CDC guidelines including ensuring that social distancing of 6 feet is maintained.

i. PERMITTED INDIVIDUAL ACTIVITIES

As guidance and as a non-exclusive list, below are some activities that are permitted under this Order:

- i. Getting groceries, household supplies, medicine, gas, work-from-home supplies, pet and livestock supplies. **However, people are highly encouraged to only bring those individuals necessary to conduct the activity. Please keep all non-essential additional family members at home, especially children (if properly supervised), elderly individuals and individuals with an underlying health condition;**
- ii. Going to the doctor's or healthcare provider's office;
- iii. Participating in individual outdoor activities (hiking, biking, running, fishing, etc.) while maintaining social distance requirements;
- iv. Acting as a caretaker for family members; and
- v. Traveling to and from an "Essential Business or Service" either as a patron or an employee.

j. ADDITIONAL REQUIREMENTS

- i. The Mayor may require additional sanitation, signage, and social distancing practices for any business which remains open.
- ii. For any workplace that remains open, management of the business should facilitate and encourage practicing social distancing and good hygiene and, where feasible, require employees to work from home in order to achieve optimum isolation from COVID-19; and
- iii. The Mayor may update the restrictions set out in this order as necessary to respond to the evolving circumstances of this outbreak during the duration of the Mayoral Declaration of Local Disaster issued on March 19, 2020 and extended by the City Council of the City of Levelland.

SECTION 4. Pursuant to §418.108(c) of the Texas Government Code, this Order shall be given prompt and general publicity and shall be filed promptly with the City Secretary of the City of Levelland.

SECTION 5. In accordance with Texas Government Code §418.173, this resolution and order is being issued in City of Levelland's Emergency Management Plan and any person who knowingly or intentionally violates this resolution commits an offense, punishable by a fine up to \$1,000.00 or confinement in jail for a term that does not exceed 180 days.

SECTION 6. This Order shall go into effect at 11:59 p.m., Monday, April 6, 2020 and continue until 11:59 p.m., Thursday, April 30, 2020, unless renewed, extended, amended or cancelled by the Mayor or City Council of the City of Levelland.

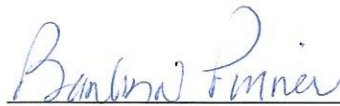
SECTION 7. That this resolution and order authorizes the Mayor, pursuant to applicable provisions of Texas Government Code Chapter 418 and Texas Health and Safety Code § 122.006, on behalf of the City of Levelland, to take any actions necessary to promote health and suppress the virus, including the quarantine of persons and occupied structures, examining and regulating hospitals, regulating ingress and egress from the City, regulating ingress and egress to occupied structures, establishment of quarantine stations, emergency hospitals, and other hospitals, enforcing applicable orders issued by the Hockley County Judge, the Governor of the State of Texas or the Texas Department of State Health Services related to suppressing the COVID-19 virus, and insuring compliance for those who do not comply with the City's rules and directives.

SECTION 8. That to the extent permitted by law, any local ordinance or administrative rule prescribing the procedures for conduct of City business or any local ordinance or administrative rule that would in any way prevent, hinder, or delay necessary action in coping with this disaster, including any local ordinance or administrative rule regarding contracting or procurement which would impede the City's emergency response necessary to cope with this declared disaster, are hereby suspended, but only for the duration of this declared local disaster and only for that limited purpose.

SECTION 9. That to the extent this Order conflicts with the Governor's Executive Order GA-14 regarding the regulation of essential business and services, Executive Order GA-14 controls and the Mayor may comport and amend Mayoral Order No. 1 to be consistent with Executive Order GA-14.


SECTION 10. That the Mayor is authorized to use all available resources of the City of Levelland reasonably necessary to comply with this resolution.

Passed and approved this 6 day of APRIL, 2020.



Barbra Pinner
Mayor

ATTEST:



Beth A. Walls, TRMC, IPMA-HR SCP
City Secretary