

RESOLUTION NO. 2020R-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS, RATIFYING AND APPROVING THE DECLARATION OF LOCAL DISASTER EXECUTED BY THE MAYOR ON MARCH 18, 2020, FOR THE CITY OF ODESSA, TEXAS; AND CONSENTING TO THE CONTINUATION OF SAID DECLARATION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the novel coronavirus (COVID-19) outbreak has been recognized as a pandemic by the World Health Organization and is a contagious respiratory virus; and

WHEREAS, on March 18, 2020, Mayor David R. Turner, acting in accordance with the authority granted to him pursuant to §418.108(a) of the Texas Government Code, signed a declaration of local disaster due to public health emergency for the City of Odessa, ("disaster declaration") a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, pursuant to §418.108(b) of the Texas Government Code, such a declaration of disaster may not be continued for a period of more than seven days except with the consent of the governing body of the political subdivision; and

WHEREAS, the conditions necessitating the disaster declaration are likely to exist for a period of more than seven days; and

WHEREAS, the City Council supports the disaster declaration signed by Mayor David R. Turner on March 18, 2020, and consents to its continuation for a period of more than seven days; and

WHEREAS, on March 19, 2020, Governor Abbott issued an executive order effective 11:59 p.m. on March 20, 2020, and continuing until 11:59 p.m. on April 3, 2020, subject to extension thereafter based on the status of COVID-19 in Texas and the recommendations of the CDC ("Executive Order"), a copy of which is attached hereto as Exhibit "B";

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS:

Section 1. The facts, circumstances, and recitations contained in the preamble of this resolution are found and declared to be true and correct, and are incorporated herein by reference as if fully set out herein.

Section 2. That the City Council hereby ratifies the disaster declaration signed by Mayor David R. Turner on March 18, 2020, and consents to its continuation until terminated by the City Council.

Section 3. That Section 10 and Section 10(ii) of the disaster declaration are hereby amended to limit gatherings to no more than ten (10) people and to remove public or private schools from the list of locations not included, as mandated by the Executive Order.

Section 4. That Section 15 of the disaster declaration is hereby amended to read that a person who violates an order or proclamation of the Mayor issued hereunder is guilty of a crime punishable as a Class C misdemeanor by a fine not to exceed \$500.00, second offense not to exceed \$1,000.00.

Section 5. That in the event of conflicting provisions between the disaster declaration and the Executive Order, the Executive Order shall be controlling.

Section 6. That this resolution shall be effective at the time of its adoption.

The foregoing resolution was approved and adopted on the 24th day of March, A.D., 2020, by the following vote:

Malcolm Hamilton	_____
Dewey Bryant	_____
Detra White	_____
Tom Sprawls	_____
Mari Willis	_____
Peggy Dean	_____
David R. Turner	_____

Approved this the 24th of March, A.D., 2020.

David R. Turner, Mayor

ATTEST:

Norma Aguilar-Grimaldo, City Secretary

APPROVED AS TO FORM:

Natasha Brooks, City Attorney

EXHIBIT "A"

**CITY OF ODESSA, TEXAS
MAYORAL DECLARATION OF LOCAL DISASTER
DUE TO PUBLIC HEALTH EMERGENCY**

WHEREAS, in December 2019, a novel respiratory disease named "SARS-CoV-2" that causes a disease named "coronavirus disease 2019" ("COVID-19") was detected in Wuhan City, Hubei Province, China, which symptoms include fever, cough, and shortness of breath that may result in mild to severe illness, and in some cases death; and

WHEREAS, on January 31, 2020, the U.S. Health and Human Services Secretary declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a worldwide pandemic; and

WHEREAS, on March 13, 2020, President Donald Trump declared a State of National Emergency for the United States of America; and

WHEREAS, on March 13, 2020, Governor Greg Abbott issued a State of Disaster for all Texas counties for COVID-19; and

WHEREAS, as of March 18, 2020, the World Health Organization reported that the global number of confirmed cases of COVID-19 surpassed 180,000 resulting in 7,529 deaths; the United States Centers for Disease Control and Prevention ("CDC") confirmed 4,226 US cases and 75 deaths; and there are 57 confirmed cases of COVID-19 located in multiple Texas counties; and

WHEREAS, as of March 18, 2020, there are no confirmed cases of COVID-19 in Odessa; however, there is an ongoing risk and likelihood of COVID-19-positive patients being identified in the City of Odessa; and

WHEREAS, pursuant to the Texas Disaster Act of 1975, as amended, Texas Government Code, Chapter 418, (the "Texas Disaster Act"), the Mayor is designated as an Emergency Management Director of the City of Odessa, and may exercise the powers granted to the Governor on an appropriate local scale; and

WHEREAS, a declaration of local disaster due to this 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, including the provision of temporary housing or emergency shelters for persons misplaced or evacuated and request assistance from the Governor of state resources; and

WHEREAS, the City of Odessa, and the people and communities of the City face imminent threat to the public health and the potential for loss of life and property resulting from the introduction, transmission, or spread (or imminent threat of the same) of COVID-19 in the City of Odessa; and

WHEREAS, for more information on COVID-19, please visit the Centers for Disease Control and Prevention website at <https://www.cdc.gov/coronavirus/2019-ncov/index.html>.

WHEREAS, I, David R. Turner, the Mayor of the City of Odessa have determined that emergency measures must be taken to either prepare for or respond to a disaster due to this public health emergency in order to respond quickly, to prevent and alleviate the suffering of people exposed to and those infected with the virus, as well as those that could potentially be infected or impacted by COVID-19, and to prevent or minimize the loss of life; and

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF ODESSA, TEXAS:

Section 1. Declaration of Local State of Disaster. That a local state of disaster and public health emergency is hereby declared for the City of Odessa and incorporated areas pursuant to §418.108(a) of the Texas Disaster Act.

Section 2. Duration of Local State of Disaster. Pursuant to §418.108(b) of the Texas Disaster Act, the state of disaster and public health emergency shall continue for a period of not more than **seven days** from the date of this declaration unless continued or renewed by the City Council.

Section 3. Publicity and Filing. Pursuant to §418.108(c) of the Texas Disaster Act, this declaration of a local state of disaster due to this public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

Section 4. Activation of the City Emergency Management Plan. Pursuant to §418.108(d) of the Texas Disaster Act, this declaration of a local state of disaster due to this public health emergency activates the City of Odessa Emergency Management Plan.

Section 5. Temporary Housing and Emergency Shelter. Pursuant to §418.020(d) of the Texas Disaster Act, this declaration authorizes the City to: (1) temporarily or permanently acquire by lease, purchase, or other means sites required for temporary housing units or emergency shelters for disaster victims; and (2) enter into arrangements necessary to prepare or equip the sites for installation and use of temporary housing units or emergency shelters, including arrangements necessary for the transportation and purchase of temporary housing units or emergency shelters.

Section 6. Pursuant to **§122.006** of the **Texas Health and Safety Code**, the City is authorized to take any actions necessary to promote health and suppress disease, including quarantine, examining and regulating hospitals. The City of Odessa hereby declares that those persons under investigation, persons under management, and quarantined persons remain within the confines of their homes or in safe, secure facilities during the quarantine period following their exposure to the virus.

Section 7. Pursuant to the authority granted to the Mayor under the Texas Disaster Act, the use of all available resources of state government and political subdivisions to assist in the City's response to this situation are authorized.

Section 8. Pursuant to the City Code, the Mayor may exercise emergency powers including, but not limited to, implementing a curfew and ordering closures of businesses.

Section 9. That all rules and regulations that may inhibit or prevent prompt response to this threat are suspended for the duration of the incident.

Section 10. That all gatherings are limited to no more than 50 people.

For purposes of this declaration, a gathering is any event or convening, subject to the exceptions and clarifications set forth below, that brings together, or is likely to bring together, fifty (50) or more persons at the same time in a single room or other single confined or enclosed space.

A gathering does not include the following:

- (i) a government-owned facility or a facility in which government business is being conducted;
- (ii) public or private schools;
- (iii) licensed day care facilities;
- (iv) places of worship;

- (v) weddings and funerals;
- (vi) museums (so long as visitors are generally not within arm's length of one another for extended periods);
- (vii) spaces where 50 or more persons may be in transit or waiting for transit, such as bus stops;
- (viii) office space, hotels, motels, or residential buildings;
- (ix) grocery stores or other retail establishments where large numbers of people are present but where it is unusual for them to be within arm's length of one another for extended periods;
- (x) health care facilities, which include but are not limited to, clinics and medical offices, hospice homes, mental health and addiction treatment centers, nursing homes, rehabilitation centers, and shelters; and
- (xi) jails and detention centers.

The Mayor may update the mass gathering restrictions set out in this declaration as necessary to respond to the evolving circumstances of this outbreak during the duration of the Disaster Declaration issued on this date and any extension of this declaration by the City Council of the City of Odessa.

Section 11. That individuals at increased risk of severe illness, must not attend gatherings of more than 10 people. "Individuals at increased risk of severe illness" includes but is not limited to individuals 60 years and older; with compromised immune systems; with medical conditions such as diabetes, heart disease or disorders, kidney disease, or chronic obstructive pulmonary disease (COPD) or other lung conditions; who are pregnant or were pregnant in the last two weeks; experiencing homelessness.

Section 12. That for essential meetings, create smaller groups and consider holding video/audio meetings instead. For workplaces, promote telecommuting; ensure employees do not work while sick; do not require a doctor's note for employees who are sick; maximize flexibility in sick leave benefits; and minimize the number of employees working within arm's length of one another.

Section 13. That citizens must adhere to the Social Distancing Protocols established by the CDC at all gatherings.

Section 14. That operators of public spaces must provide ways for patrons to maintain safe social distancing, for example, maintaining six feet of separation between individuals; have hand washing capabilities, hand sanitizers and tissues available; and frequently cleaning high touch surface areas like counter tops, hand rails, and door knobs.

Section 15. A person who violates an order or proclamation of the Mayor issued hereunder is guilty of a crime punishable as a Class C misdemeanor by a fine not to exceed \$500.00.

Section 16. This proclamation shall take effect immediately upon its issuance.

ORDERED this ^{18th} day of March, 2020.

RECEIVED
MAR 18 2020


David R. Turner, Mayor

ATTEST BY CITY SECRETARY ^{2:05 pm}

Norma A. Grimaldo, City Secretary



EXHIBIT "B"



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

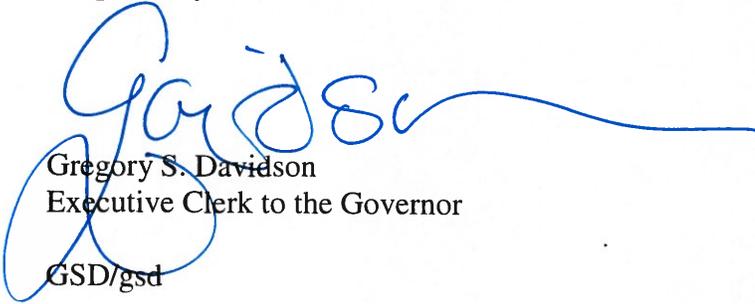
Dear Secretary Hughs:

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.

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective 11:59 p.m. on March 20, 2020, and continuing until 11:59 p.m. on April 3, 2020, subject to extension thereafter based on the status of COVID-19 in Texas and the recommendations of the CDC:

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

MAR 19 2020

- 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 black ink that reads "Greg Abbott".

GREG ABBOTT
Governor

ATTESTED BY:

A handwritten signature in black ink that reads "Ruth R. Hughs".

RUTH R. HUGHS
Secretary of State

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

MAR 19 2020