

RESOLUTION NO. 043020

AMENDING AND EXTENDING DECLARATION OF LOCAL DISASTER – GA-18

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 Abernathy and beyond; and

WHEREAS, pursuant to Texas Government Code §418.108(a), the Mayor issued a declaration of local disaster on March 25th due to the COVID-19 pandemic that was later amended on March 31, 2020 and renewed and extended until 11:59 p.m., April 30th, by the City Council of the City of Abernathy; and

WHEREAS, on April 12, 2020, the Governor of the State of Texas renewed his state-wide disaster proclamation for an additional thirty (30) days, certifying that COVID-19 poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, on April 27, 2020, the Governor of the State of Texas issued Executive Order GA-18, effective until 11:59 p.m. on May 15th, superseding Executive Order GA-16, expanding the reopening of services as part of the Governor's safe, strategic plan to Open Texas in response to the COVID-19 disaster allowing for the re-opening of businesses throughout Texas under certain terms and conditions while still emphasizing certain precautionary measures like social distancing, limiting social gatherings and strongly encouraging people over the age of 65 to stay at home as much as possible; and

WHEREAS, the United States President Donald J. Trump and the Centers for Disease Control and Prevention (CDC) have issued guidelines for *Opening Up America Again* providing guidance on safely opening up American business and society that continues to emphasize minimizing travel, maximizing social distancing and avoiding socializing in groups of more than ten (10) people; and

WHEREAS, the City Council of the City of Abernathy has determined that due to the issuance of Executive Order GA-18, it is necessary to replace the Mayor's Declaration of Local Disaster as extended to conform to Executive Order GA-18 and to further contain COVID-19 and prevent its spread throughout the City of Abernathy while re-opening businesses and services;

NOW THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ABERNATHY, 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. The Mayor's Declaration of Local Disaster is hereby renewed and extended.

SECTION 3. To the extent of a conflict between any term or provision of this resolution and the Mayor's Declaration of Local Disaster, the terms and conditions of this resolution control.

SECTION 4. Pursuant to the authority granted to the Mayor under Texas Government Code Chapter 418 and by the general authority granted to Type A general law municipalities under Texas Health and Safety Code § 122.005, the following is hereby ordered:

a. **ADOPTION OF EXECUTIVE ORDER GA-18**

The Governor's Executive Order GA-18 is hereby adopted by reference and is incorporated herein as though set forth fully herein. Additionally, the guidelines and recommendations outlined in the Governor's Report to Open Texas, entitled *Texans Helping Texans*, dated April 27, 2020, is also adopted, to the extent it does not conflict with this Resolution, and all businesses, religious institutions and citizens are encouraged to review and follow said guidelines.

b. **SOCIAL CONTACT AND GATHERINGS**

i. All persons residing in the City of Abernathy shall, except where necessary to provide or obtain essential services or reopened services, minimize social gatherings and minimize in-person contact with people who are not in the same household. To the extent individuals are using shared or outdoor spaces, individuals 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 more than ten (10) people occurring outside of a single household are prohibited, except as otherwise provided in this Resolution. Nothing in this Resolution prohibits gatherings of members of a single household or living unit (an apartment for use by one family); and

iii. Travel away from a person's regular place of residence should be limited only for the purpose of obtaining essential goods and services, goods and services of a re-opened business or to the person's place of employment otherwise provided for in this Resolution. Further, when obtaining goods or services, **only those individuals absolutely necessary to obtain such goods or services should travel away from the place of residence.**

c. **SICK INDIVIDUALS**

i. 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.

ii. 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.

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

d. CITIZENS OVER 65 YEARS OF AGE

All persons residing in the City of Abernathy over the age of 65 are strongly encouraged to STAY AT HOME or at their current place of residence as much as possible and to maintain appropriate distance from any member of the household who has been out of the residence in the previous fourteen (14) days. For purposes of this Resolution, “residence” includes hotels, motels, shared rentals, and similar facilities. If it is necessary to leave the residence, all persons should practice social distancing, good hygiene, environmental cleanliness and sanitation.

e. 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, remain closed:

- i. Hair salons, barbershops, hair stylists, nail salons, tattoo parlors, piercing businesses, tanning salons, cosmetology salons and hair removal waxing businesses;
- ii. Commercial Amusement and Entertainment Venues such as bowling alleys, video arcades and game rooms;

f. 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;
- 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. 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 3.0.

g. RELIGIOUS SERVICES

Religious services conducted in churches, congregations and houses of worship are considered essential. Religious institutions, churches and places of worship are encouraged to conduct as many of their activities including their services from home or through remote audio or video services. All religious services conducted at the religious institution, church or place of worship 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. Additionally, all religious services conducted at the religious institution, church or place of worship are strongly encouraged to implement and follow the guidelines outlined in the Governor’s Report to Open Texas, entitled *Texans Helping Texans*, dated April 27, 2020. 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. The provisions outlined in this section apply to funeral services, burials, and memorials.

h. RETAIL ESTABLISHMENTS – OTHER BUSINESSES

Retail Establishments and other businesses not specifically described above “Essential” or otherwise prohibited may re-open at 12:01 a.m. on May 1, 2020 in accordance with the provisions and conditions outlined in the Governor’s Executive Order GA-18. All businesses, employees, customers and patrons must adhere to the Guidelines from the President and the CDC, by practicing good hygiene, environmental cleanliness, and sanitation, and by implementing social distancing of 6 feet and are strongly encouraged to implement and follow the guidelines outlined in the Governor’s Report to Open Texas, entitled *Texans Helping Texans*, dated April 27, 2020. Additionally, the use of drive through pickup, delivery, and curbside delivery for merchandise, if possible, is highly encouraged. For clarification purposes, the following businesses and services are reopened:

- i. In-store retail services, for retail establishments that operate at up to 25 percent of the total listed occupancy of the retail establishment;
- ii. Dine-in restaurant services, for restaurants that operate at up to 25 percent of the total listed occupancy of the restaurant (excluding bars);

- iii. Movie theaters that operate at up to 25 percent of the total listed occupancy of any individual theater for any screening;
- iv. Shopping malls that operate at up to 25 percent of the total listed occupancy of the shopping mall; provided, however, that within shopping malls, the food court dining areas, play areas, and interactive displays and settings must remain closed;
- v. Museums and libraries that operate at up to 25 percent of the total listed occupancy; provided, however, any components of museums or libraries that have interactive functions or exhibits, including child play areas, must remain closed; and
- vi. Services provided by an individual working alone in an office.

i. PUBLIC PARKS

Outdoor sporting activities are permitted so long as it is non-contact and there are no more than four (4) participants in the sporting activity. Subject to the social gathering limitations outlined in this Resolution, the remaining areas of public parks including walking trails, playgrounds 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.

j. NURSING HOMES – REMAIN CLOSED TO OUTSIDE VISITORS

In accordance with the Guidelines from the President and the CDC and Executive Order GA-18, people shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless to provide critical assistance as determined through guidance from the Texas Health and Human Services Commission (HHSC). Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities shall follow infection control policies and practices set forth by the HHSC, including minimizing the movement of staff between facilities whenever possible.

k. 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 Resolution 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 Abernathy.

SECTION 5. Pursuant to §418.108(c) of the Texas Government Code, this Resolution shall be given prompt and general publicity and shall be filed promptly with the City Secretary of the City of Abernathy.

SECTION 6. In accordance with Texas Government Code §418.173, this resolution is being issued in City of Abernathy'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 7. This Resolution shall go into effect at 12:01 a.m., Friday, May 1, 2020 and continue until 11:59 p.m., Friday, May 15, 2020, unless renewed, extended, amended or cancelled by the Mayor or City Council of the City of Abernathy.

SECTION 8. That this Resolution authorizes the Mayor, pursuant to applicable provisions of Texas Government Code Chapter 418 and Texas Health and Safety Code § 122.005, on behalf of the City of Abernathy, 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 Lubbock County Judge or Hale 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 9. 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 10. That to the extent this Resolution conflicts with the Governor's Executive Order GA-18 regarding the regulation of essential business and services, Executive Order GA-18 controls and the Mayor may comport and amend this Resolution and any subsequent resolution or order to be consistent with Executive Order GA-18.

SECTION 11. That the Mayor is authorized to use all available resources of the City of Abernathy reasonably necessary to comply with this resolution.



CITY OF ABERNATHY, TEXAS



Lindsey Webb, Mayor

ATTEST:



Krista Adames, City Secretary