**CITY OF BROWNFIELD, TEXAS**
**DECLARATION OF LOCAL DISASTER – MAYORAL ORDER NO. 3**

**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 Brownfield and beyond; and

**WHEREAS**, on March 18, 2020, pursuant to the authority provided him by Texas Government Code § 418.108, the Mayor of the City of Brownfield issued a Declaration of Local State of Disaster, placing certain restrictions and procedures in place in order to protect and preserve the public health, safety and welfare and consistent with the national and state declarations of emergency; 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 16, 2020, at the Brownfield City Council Regular Meeting, the City Council approved and extended the Mayoral Declaration of a Local Disaster, which was signed and executed by the Mayor on March 18, 2020, along with the Mayoral Order No. 1 issued on April 1, 2020, as clarified, pursuant to Texas Government Code §418.108(b) until 11:59 p.m. on May 7, 2020; 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**, on April 30, in accordance with the authority granted the Mayor by the City Council, and due to the issuance of Executive Order GA-18, the Mayor issued Mayoral Order No. 2 re-opening of businesses in Brownfield 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**, on May 5, 2020, the Governor of the State of Texas issued Executive Order GA-21, effective until 11:59 p.m. on May 19th, superseding Executive Order GA-18, incorporating the terms of Executive Order GA-18, expanding the reopening of certain businesses and services and clarifying terms used and conditions used in portions of Executive Order GA-18; 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**, pursuant to Texas Government Code §418.108 and in accordance with the authority granted the Mayor by the City Council, and due to the issuance of Executive Order GA-21, the Mayor hereby orders the following consistent in order to protect and preserve the public health, safety and welfare;

**NOW THEREFORE, BE IT ORDERED BY THE MAYOR OF THE CITY OF BROWNFIELD, TEXAS:**

1. **THAT** the recitals outlined above are found to be true and correct and are incorporated as if fully set forth herein.

2. **THAT** this Mayoral Order No. 2, is hereby replaced and supplanted in its entirety with this Declaration of Local Disaster – Mayoral Order No. 3. The Mayoral Declaration of a Local Disaster, which was signed and executed by the Mayor on March 18, 2020, remains in full force and effect and is continued to the extent it does not directly conflict with this Mayoral Order No. 3.

3. **THAT** by 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. **ADOPTION OF EXECUTIVE ORDER GA-21**

The Governor's Executive Order GA-21 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 Mayoral Order No. 3, 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 Brownfield 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 <u>are prohibited</u>, 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); 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 Order. Further, when obtaining goods or services, **<u>only those individuals absolutely necessary to obtain such goods or services should travel away from the place of residence.</u>**

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 Order 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 Brownfield 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 Order, "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. Bars, massage establishments, tattoo studios, piercing studios, sexually oriented businesses, or commercial amusement and entertainment venues such as bowling alleys, video arcades, amusement parks, water parks, or splash pads.

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**

i. 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, weddings, burials, and memorials that are held inside a church or other place of worship.

ii. Wedding receptions and receptions for funerals or memorials not held in a church sanctuary or other place of worship may be conducted so long as federal and CDC guidelines are followed, including affirmative steps to ensure that social distancing of 6 feet is maintained and according to the following guidelines:

a. The total number of people attending such reception is limited to 25 percent of the total listed occupancy of the venue;

b. Parties maintain at least 6 feet distance apart from other parties at all times, including while waiting to be seated;

c. Hand sanitizing stations should be made available; and

d. No tables of more than 6 people are allowed.

## H. RETAIL ESTABLISHMENTS – OTHER BUSINESSES

Unless otherwise specified below or prohibited by this Order, retail Establishments and other businesses not specifically described above "Essential" may re-open in accordance with the provisions and conditions outlined in the Governor's Executive Order GA-21. 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 curb-side 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) so long as the following guidelines recommend by the Governor of the State of Texas are followed:

a. Parties maintain at least 6 feet distance apart from other parties at all times, including while waiting to be seated in the restaurant;

b. Hand sanitizing stations are available upon entry to the restaurant;

c. No tables of more than 6 people are allowed;

d. Condiments, silverware, flatware, glassware, or other traditional table-top items are removed from unoccupied tables;

e. Condiments are provided only upon request, and in single use (non-reusable) portions;

f. Only disposable menus are provided, and a new menu is provided for each patron;

g. If a buffet is offered, restaurant employees serve the food to customers; and

h. If possible, utilize contactless payment or, if not available, contact should be minimized;

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;

vi. Services provided by an individual working alone in an office;

vii. Effective 12:01 a.m., Friday, May 8, 2020:

a. Cosmetology salons, hair salons, barber shops, nail salons/shops, and other establishments where licensed cosmetologists or barbers practice their trade; provided, however, that all such salons, shops, and establishments must ensure at least six feet of social distancing between operating work stations;

b. Tanning salons; provided, however, that all such salons must ensure at least six feet of social distancing between operating work stations;

c. Swimming pools, provided that:

1. indoor swimming pools may operate at up to 25 percent of the total listed occupancy of the pool facility; and

2. outdoor swimming pools may operate at up to 25 percent of normal operating limits as determined by the pool operator.

viii. Effective 12:01 a.m. on Monday, May 18, 2020:

a. Services provided by office workers in offices that operate at up to the greater of (i) five individuals, or (ii) 25 percent of the total office workforce provided, however, that the individuals maintain appropriate social distancing;

b. Manufacturing services, for facilities that operate at up to 25 percent of the total listed occupancy of the facility; and

c. Gyms and exercise facilities and classes that operate at up to 25 percent of the total listed occupancy of the gym or exercise facility, provided, however, that locker rooms and shower facilities must remain closed, but restrooms may open; and

ix. Outdoor patios at restaurants or other venues that are re-opened pursuant to this Order are not subject to the occupancy limitations established herein but must comply all other applicable provisions of this Order including ensuring parties maintain at least 6 feet distance apart from other parties at all times, maintaining social distancing for all customers waiting to be seated in the outdoor patio or venue and allowing no more than six (6) people seated at any single table.

I. **PUBLIC PARKS**

Outdoor sporting activities are permitted so long as the sporting activity 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 Mayoral Order No. 2, 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. Playgrounds and public swimming pools remain closed.

J. **NURSING HOMES – REMAIN CLOSED TO OUTSIDE VISITORS**

In accordance with the Guidelines from the President and the CDC and Executive Order GA-21, 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 all businesses, 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 Brownfield.

4. **THAT** 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 Brownfield.

5. **THAT** pursuant to § 418.173 of the Texas Government Code, any person who knowingly or intentionally violates this Order 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

6. **THAT** this Order shall go into effect immediately upon issuance and continue until 11:59 p.m., Thursday, May 21, 2020, unless renewed, extended, amended or cancelled by the Mayor or City Council of the City of Brownfield.

7. **THAT** 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 Brownfield, 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 Terry 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.

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.

9. **THAT** to the extent this Order conflicts with the Governor's Executive Order GA-21 regarding the regulation of essential business and services, Executive Order GA-21 controls and the Mayor may comport and amend this Order and any subsequent order to be consistent with Executive Order GA-21.

10. **THAT** the Mayor is authorized to use all available resources of the City of Brownfield reasonably necessary to comply with this resolution.

SO ORDERED this the 6th day of May, 2020.

CITY OF BROWNFIELD OFFICIAL SEAL BROWNFIELD, TEXAS

CITY OF BROWNFIELD, TEXAS

Geronimo M. Gonzales, Mayor

ATTEST:

Kelly Burris, City Secretary