

**CITY OF ODEM, TEXAS
REVISED MAYORAL DECLARATION OF LOCAL STATE
OF DISASTER DUE TO PUBLIC HEALTH EMERGENCY**

WHEREAS, beginning in December 2019, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, has been declared a global pandemic by the World Health Organization; and

WHEREAS, the symptoms of COVID-19 can range from mild to severe illness and cause further complications including death; and

WHEREAS, COVID-19 virus mainly spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas issued a proclamation certifying that COVID-19 poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas; and

WHEREAS, the City of Odem, Texas is taking extraordinary measures to prevent the spread of this potentially devastating disease in our community; and

WHEREAS, said state of disaster requires that certain emergency protective measures be taken pursuant to the Texas Disaster Act of 1975 relating to Emergency Management and Public Health, pursuant to Chapter 418 of the Texas Government Code.

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

SECTION 1. That a local state of disaster for public health emergency is hereby declared for the City of Odem, Texas pursuant to Section 418.108(a) of the Texas Government Code.

SECTION 2. That pursuant to Section 418.108(b) of the Texas Government Code the state of disaster for public health emergency shall be in effect through May 19, 2020, unless continued or renewed by the City Council of the City of Odem Texas.

SECTION 3. That pursuant to Section 418.108(c) of the Texas Government Code this declaration of a local state of disaster for public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

SECTION 4. That pursuant to Section 418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the City of Odem, Texas, emergency management plan, and authorizes the furnishing of aid and assistance under the declaration

SECTION 5. That this declaration authorizes the City 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, and insuring compliance for those who do not comply with the City's rules, pursuant to Section 122.006 of the Health and Safety Code.

SECTION 6. That this declaration hereby limits the size of gatherings to not more than 50 people and mandates the cancellation of all such gatherings until further notice. A "gathering" refers generally to a scheduled event or common endeavor where 50 persons are present in a confined space, room, or area.

SECTION 7. *Mandate:* Restaurants, food courts, and similar facilities only offer take-out or delivery options -- not offer on-premise consumption of food or beverages

- Persons that violate any of the *required* provisions listed in the Mayor's Declaration of Local Disaster and Public Health Emergency face:
 - Fines of up to \$500 per violation per day
 - Additional amounts as authorized by law

SECTION 8. *Mandate:* Limit attendance of all gatherings with at-risk populations to 10 people or less in a single area

- At-risk populations include persons who:
 - Are 60 years old or older and/or
 - Have certain health conditions like heart disease, lung disease, diabetes, kidney disease, weakened immune systems, cancer, etc.
 - Women who are pregnant or were pregnant in the last 2 weeks

SECTION 9. The Declaration also grants Mayor, Billy Huerta or City Secretary, Becky Veit the authority to close city-owned public facilities as necessary. See below for the building closures and occupancy restrictions implemented on March 18, 2020. Mayor, Billy Huerta or City Secretary, Becky Veit also have the authority to update restrictions to respond to the rapidly evolving circumstances of this outbreak until May 19, 2020.

SECTION 10. In accordance with Texas Government Code §418.173, a person who knowingly or intentionally violates this declaration commits an offense, punishable by a fine up to \$500.00

NOW, THEREFORE, I Billy Huerta, Mayor of Odem, 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 citywide basis effective 11:00 p.m. on March 26, 2020, and continuing until 11:59 p.m. on April 3, 2020 subject to extension thereafter:

Order No. 1. In accordance with the Guidelines from the President, CDC, and Governor Abbott's Executive Order GA 08, every person in Texas shall avoid gatherings in groups of more than 10 people. Requiring, specifically, a person shall not remain or travel upon any public or private property within the jurisdictional boundaries of the City of Odem, Texas, which may constitute a gathering of ten (10) or more persons;

- a. For the purposes of this order shall not apply to a person authorized by local government officials and offices, and law enforcement that assist in the protection of the health, safety, or welfare of the public during the declared emergency.
- b. For the purposes of this order an "event" or "gathering". Includes but is not limited to. Any indoor or outdoor planned or spontaneous event, that brings or is likely to bring together ten (10) or more persons at the same time.
- c. For the purposes of this order, non-essential retail establishments shall be prohibited from servicing customers, included but not limited to:
 - (i) Conferences, festivals, parades, concerts, sporting events, weddings, flea markets and other type of assemblies

- (ii) Eating or drinking at Bars, Lounges and private clubs, provided however, that the use of drive-thru, pickup, or delivery options are allowed and highly encouraged throughout the duration of this order
- (iii) Fitness Centers and Gyms, spas and massage parlors, tattoos and piercing parlors, and tanning salons
- (iv) Hair and nail salons, barber shops, estheticians, and related personal care business
- (v) Restaurants and/or Food Courts provided however, that the use of drive-thru, pickup, or delivery options are allowed and highly encouraged throughout the duration of this order
- (vi) Retail stores that do not sell essential household goods should follow the CDC guidelines on social distancing by not allowing gatherings of more than ten (10) people
- (vii) Child Care service businesses must implement and comply with the Texas Health and Human Services COVID-19 Guidance to Child Care Providers
- (viii) For the purposes of this order and "event" or "gathering" does not apply to gathering spaces where people may visit, including but not limited to grocery stores, gas stations, parks, essential retail establishments, so long as the necessary precautions are maintained for employees and customers to reduce transmission of COVID-19
- (ix) For the purposes of this order critical infrastructure is ordered to remain operations
- (x) For the purposes of this order domestic travel will remain unrestricted to the extent it complies with limitations placed herein on the timing and manner of travel
- (xi) For the purposes of this order essential government operations shall remain open as determined by the local governing authority
- (xii) For the purposes of this order critical infrastructure shall mean businesses and employees identified by the U.S. Department of Homeland Security that are part of the critical infrastructure industry including but not limited to:
 - a. Healthcare services
 - b. Pharmaceutical services
 - c. Agricultural and food supply
 - d. Telecommunications
 - e. Call centers that service critical infrastructure operations
 - f. Information technology
 - g. Those offering repair and maintenance services to critical infrastructure
 - h. Banking and financial institutions
 - i. Insurance and legal services
 - j. Power, water, natural gas and public utilities
 - k. Critical manufacturing and construction
 - l. Emergency services
 - m. Fire and law enforcement
 - n. Public works
 - o. Sanitation services
 - p. Transportations and logistics
- (xiii) For the purposes of this order business operations providing essential services shall remain open; this includes services rendered to government and persons, the interruption of which would endanger the life, health or personal safety of the citizens of the City of Odem
- (xiv) For the purposes of this order, schools shall temporarily close.

Order No. 2. In accordance with the Guidelines from the President, CDC, and Governor Abbott's Executive Order GA 08, 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, CDC, and Governor Abbott's Executive Order GA 08, schools shall temporarily close.

Order No. 4. City operations shall be conducted pursuant to the Orders of the Texas Supreme Court and Court of Criminal Appeals, the City of Odem and in accordance with the guidance provided by the Texas Office of Court Administration. Also pursuant to the Orders entered by the Texas Supreme Court and Court of Criminal Appeals, non-essential court matters and hearings shall not be conducted in person in violation of any jurisdiction's local control orders.

- All non-essential city related travel is suspended. All non-essential city events are hereby suspended until further notice.
- The City of Odem parks will remain open to the extent practicable throughout the duration of the Order so long as the necessary precautions are maintained by public visitors to reduce transmission of COVID-19
- In accordance with the Guidelines from the President, CDC, Governor Abbott's Executive Order GA 08, and Governor Abbott's suspension of certain requirements of the Texas Open Meetings Act, the City of Odem shall conduct all government open meetings via remote telephonic or videoconference means, and members of the public will be entitled to participate and address the governmental body during any telephonic or videoconference meeting.
- To hold a telephonic or videoconference meeting, the City of Odem will post a written notice that gives the public a way to participate remotely, such as a toll-free dial in number, and that includes an electronic copy of any agenda packet that officials will consider at the meeting.

Order No. 6. A person and/or business shall not sell any goods or services for a price which does not comply with the State of Texas Price Gouging laws. All such persons and/or businesses which do not comply with this order will be referred to the Texas Attorney General for arrest and prosecution.

Order No. 7. A person shall stay-at-home or within their dwelling and not remain or travel upon any public or private property within the jurisdictional boundaries of the City of Odem between the hours of 11:00 p.m. and 5:00 a.m. For the purposes of the STAY AT HOME CURFEW, this order does not apply to:

- a) Persons identified as part of the critical infrastructure industry and services.
- b) Persons that are part of governmental workplaces that shall remain open as determined by the local governing authority
- c) Persons traveling directly to and from essential businesses and retail establishments, including but not limited to grocery stores, gas stations, hospitals, and medical offices or facilities, bus, train, or airplane terminals, so long as the necessary precautions are maintained for employees and customers to reduce transmission of COVID-19
- d) Persons authorized to travel by the Emergency Management Director
- e) Persons serving a law enforcement role, first responders, and emergency medical services personnel

Order No. 8. All deadlines imposed by local law, rule or other regulation shall be suspended for thirty (30) days. To the extent allowed by law and in accordance with the orders issued by the Texas Supreme Court, no trial, hearings or other proceedings may be had by landlords attempting to evict a tenant for lack of payment for the next thirty (30) days. Additionally, to the extent allowed by law, all foreclosure proceedings within City of Odem shall be temporarily suspended for the next thirty (30) days to prevent the displacement of occupants during this public health emergency.

Order No. 9. Anyone testing positive for COVID-19 that is not otherwise isolated at a healthcare facility will be ordered to isolate at home including members of the household until cleared by a medical professional.

Order No. 10. In accordance with Texas Government Code §418.173, and Section 122.006 of the Health and Safety Code, a person who knowingly or intentionally violates this declaration commits an offense, is subject to arrest or detention and punishable by a fine up to \$500.00, pursuant to Texas Government Code, Chapter 418, Sec. 418.173.

For the purposes of this Order all Municipal Code Enforcement Compliance Officers; local jurisdictions

For the purposes of this Order all Municipal Code Enforcement Compliance Officers; local jurisdictions peace officers and law enforcement agencies are hereby authorized to enforce this order.

Order No. 11. That this declaration hereby authorizes the use of all lawfully available enforcement tools.

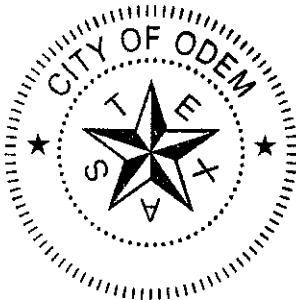
If any subsection, sentence, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remainder of this Order and its application.

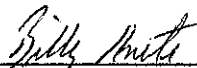
This Revised Declaration order shall supersede all previous Declarations on these matters that are in conflict or inconsistent with its terms, shall take effect immediately upon issuance, and shall remain in effect until 11:59 p.m. April 3, 2020.

SECTION 11. That this declaration hereby authorizes the use of all lawfully available enforcement tools.

SECTION 12. That this declaration shall take effect immediately from and after its issuance.

DECLARED this 26th day of March, 2020.





Billy Huerta, Mayor
City of ODEM, Texas