

**ORDER DECLARING
A LOCAL STATE OF DISASTER
FOR THE CITY OF MIDLAND, TEXAS**

WHEREAS, numerous cases of COVID-19, which is a respiratory illness caused by the novel coronavirus designated SARS-CoV2, have been reported in the State of Texas; and

WHEREAS, many cases of COVID-19 result in mild symptoms or no symptoms, enabling SARS-CoV2 to be carried and transmitted by people who appear to be healthy; and

WHEREAS, some cases of COVID-19 have resulted in damage to bodily organs and death; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas issued a proclamation declaring a state of disaster for all counties in Texas due to the imminent threat posed by COVID-19; and

WHEREAS, no case of COVID-19 has been confirmed in the City of Midland, Texas; however, due to the rapid spread of SARS-CoV2, the City is experiencing an imminent threat of widespread severe damage, injury, or loss of life resulting from COVID-19, and extraordinary measures must be taken to prevent the spread of SARS-CoV2 within the City;

**NOW THEREFORE, BE IT ORDERED, PROCLAIMED AND
DECLARED BY THE MAYOR OF THE CITY OF MIDLAND, TEXAS:**

- 1.) That pursuant to Section 418.108 of the Texas Government Code, a local state of disaster is hereby declared for the City of Midland, Texas.
- 2.) That pursuant to the City Code, an emergency is hereby declared.
- 3.) That pursuant to Section 418.108(c) of the Texas Government Code, this Declaration shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
- 4.) That pursuant to Section 418.108(d) of the Texas Government Code:
 - a. this Declaration activates the appropriate recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans and authorizes the furnishing of aid and assistance; and

- b. this Declaration activates the appropriate preparedness and response aspects of all applicable local or interjurisdictional emergency management plans as provided in the plans.
- 5.) That the Mayor may use any and all powers set out in Chapter 418 of the Texas Government Code as the Mayor considers necessary.
- 6.) That pursuant to the City Code, the Mayor may exercise emergency powers including, but not limited to, implementing a curfew and ordering closures of businesses. 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.
- 7.) That the City is authorized to use all available resources of the state government and political subdivisions to assist in the City's response to this disaster.
- 8.) That the City may take all legal actions necessary to protect life, promote health, and suppress disease, including those set out in Section 122.006 of the Texas Health and Safety Code.
- 9.) That all gatherings are hereby prohibited. For the purpose of this Declaration, "gathering" means any event, common endeavor, or business operation during which 50 persons or more are present or are reasonably likely to appear together in a confined space, room, or area except the following: a government-owned facility; a facility in which government business is being conducted; a public school; a private school; a licensed day care facility; a place of worship; a place where a wedding or a funeral is being conducted; an office space; a hotel; a motel; a residential building; a grocery store; a retail store in which a majority of sales consists of food for off-premises consumption and small household necessities; a hospital or other medical facility; or a shelter. If a subsequent order or proclamation of the Mayor or City establishes a different definition of "gathering", then the definition contained in the subsequent order or proclamation shall supersede the definition contained herein. A person who participates in, arranges, operates or encourages a gathering in violation of this Declaration or an order or proclamation issued by the Mayor hereunder is guilty of a crime punishable as a Class C misdemeanor by a fine not to exceed \$500.00.
- 10.) In order to prepare for and mitigate community transmission of COVID-19, it is strongly recommended:
 - a. that persons adhere to all guidelines and mitigation strategies recommended by the Centers for Disease Control (the "CDC"), including social distancing protocols;

- b. that persons cancel or otherwise not appear at any nonessential events, common endeavors, or business operations during which 50 persons or more are present or are reasonably likely to appear together in a confined space, room, or area;
- c. that persons who are at an increased risk of severe illness, including but not limited to individuals 60 years of age or older, individuals with compromised immune systems, individuals with medical conditions such as diabetes, heart disease or disorders, kidney disease, or chronic obstructive pulmonary disease or other lung conditions, individuals who are pregnant or who were pregnant in the previous two weeks, and individuals experiencing homelessness, cancel or otherwise not appear at any events, common endeavors, or business operations during which more than 10 persons are present or are reasonably likely to appear together in a confined space, room, or area;
- d. that operators of public spaces frequently clean high touch surface areas such as counter tops, hand rails, and door knobs and provide ways for patrons to practice safe social distancing as recommended by the CDC, hand washing facilities, hand sanitizer, and tissues;
- e. that employers promote and encourage telecommuting, ensure employees do not attend 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;
- f. consider and engage in providing support services, including meals, to individuals at increased risk of severe illness while limiting group settings and exposures; and
- g. minimize all nonessential travel.

The Mayor may require adherence to the aforementioned recommendations. 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.

- 11.) To the extent that this Declaration or an order or proclamation issued hereunder contains provisions that require or prohibit certain actions, the Mayor may suspend any such provision to the extent that the Mayor determines a suspension is in the public interest.
- 12.) That a violation of this Declaration or an order or proclamation issued hereunder is punishable as a Class C misdemeanor by a fine not to exceed \$500.00.

- 13.) That the sections, paragraphs, sentences, clauses and phrases of this Declaration are severable, and if any section, paragraph, sentence, clause or phrase of this Declaration should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses and phrases of this Declaration that can be given effect without the invalid provision.
- 14.) That this Declaration shall take effect immediately and shall continue for a period of not more than seven days unless continued or renewed by the City Council of the City of Midland, Texas.

It is hereby **ORDERED, PROCLAIMED AND DECLARED** this 18th day of March, 2020.



Patrick N. Payton, Mayor