

RESOLUTION NO. R20-492

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLAINVIEW TEXAS RENEWING RESOLUTION R20-490 PURSUANT TO TEXAS GOVERNMENT CODE § 418.108; EXTENDING THE DECLARATION OF LOCAL DISASTER TO OCTOBER 8, 2020; PROVIDING A PENALTY FOR VIOLATION OF THE DECLARATION OF A FINE UP TO \$1000.00 OR \$250 FOR FAILING TO WEAR A MASK WHEN REQUIRED AFTER FIRST RECEIVING A WARNING.

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 Plainview and beyond; and

WHEREAS, on March 19, 2020, pursuant to the authority provided him by Texas Government Code § 418.108, the Mayor of the City of Plainview issued a Declaration of Local 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 that was renewed and extended by the City Council through Resolution No. R20-470 on March 24, 2020, Resolution No. R20-471 on April 14, 2020, Resolution No. R20-477 on May 7, 2020, Resolution No. R20-478 on May 20, 2020, Resolution No. R20-482 on June 9, 2020, Resolution 20-486 on July 14, 2020, and Resolution 20-490 on August 11, 2020; and

WHEREAS, on June 26, 2020, the Governor of the State of Texas issued Executive Order GA-28, superseding Executive Order GA-26, expanding the reopening of businesses and services throughout most of Texas; and

WHEREAS, on July 2, 2020, the Governor of the State of Texas issued Executive Order GA-29 and amended Executive Order GA-28, that, among other things, required the wearing of face masks under certain circumstances and further limiting the size of groups who are not part of the immediate household in order to further contain the spread of COVID-19; and

WHEREAS, on September 7, 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, the City Council of the City of Plainview, in response to the increased numbers of individuals testing positive for COVID-19 and due to evolving circumstances and the issuance of Executive Order GA-28, as amended, and Executive Order GA-29 and pursuant to Texas Government Code §418.108, the City Council found it necessary to continue the extension of the Declaration of Local Disaster, and adopt certain measures extending the re-opening retail businesses under certain terms and conditions,

approved via Resolution 20-490 on August 11, 2020 to help further contain COVID-19 and prevent its spread throughout the City of Plainview; and

WHEREAS, the Declaration of Local Disaster extended in Resolution 20-490 on August 11, 2020 is set to expire at 11:59 p.m., Tuesday, September 8, 2020; and

WHEREAS, the State of Texas and Hale County continue to have increased numbers of individuals testing positive for COVID-19 and due to evolving circumstances and pursuant to Texas Government Code §418.108, the City Council believes it to be in the best interest of the City and its citizens, in order to protect and preserve the public health, safety and welfare, to continue the extension of the Declaration of Local Disaster, and adopt the measures outlined herein;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PLAINVIEW, TEXAS, HEREBY RESOLVES, DECLARES AND ORDERS:

1. **THAT** the recitals outlined above are found to be true and correct and are incorporated as if fully set forth herein.
2. **THAT** all terms and conditions of the City of Plainview Resolution 20-490 as approved on August 11, 2020, are hereby adopted by reference and are incorporated herein as though set forth fully herein.
3. **THAT** 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 Plainview.
4. **THAT** pursuant to § 418.173 of the Texas Government Code, any person who knowingly or intentionally violates this resolution and order commits an offense, punishable by a fine up to \$1,000.00. However, in accordance with Executive Order GA-29, after first receiving a verbal or written warning for a first-time violator for failing to wear a face covering in violation of Executive Order GA-29, any person failing to wear a face covering in violation of Executive Order GA-29 commits an offense punishable by a fine up to \$250 per violation.
5. **THAT** this resolution and order shall go into effect immediately upon passage and continue until 11:59 p.m., Thursday, October 8, 2020, unless renewed, extended, amended or cancelled by the Mayor or City Council of the City of Plainview.
6. **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 Plainview, 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 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.

7. **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.

8. **THAT** to the extent this resolution conflicts with the Governor's Executive Order GA-29 or GA-28, as amended, Executive Order GA-29 and GA-28 controls and the Mayor may comport and amend this resolution and order and any subsequent order to be consistent with Executive Order GA-29 and GA-28.

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

Approved by the City Council this the 8th day of September, 2020.

CITY OF PLAINVIEW, TEXAS


Wendell Dunlap, Mayor

ATTEST:


Belinda Hinojosa, City Secretary