

**ELEVENTH DECLARATION OF DISASTER**  
**(COVID-19)**

WHEREAS, the novel coronavirus (COVID-19) outbreak has been recognized as a pandemic by the World Health Organization and is a contagious respiratory virus; and

WHEREAS, on March 13, 2020, pursuant to Section 418.014 of the Texas Government Code, the Governor declared a state of disaster for the State of Texas; and

WHEREAS, on March 13, 2020, Lubbock County, Texas declared a state of disaster; and

WHEREAS, on March 16, 2020, the Mayor issued the first of several Declarations of Disaster; and

WHEREAS, the City of Lubbock has taken numerous steps to respond to COVID-19, and has coordinated preparedness and response efforts across state and local agencies, and worked with local partners to promote appropriate mitigation efforts; and

WHEREAS, it is critical for the City of Lubbock respond to, and mitigate, the spread of COVID-19 to protect the health and welfare of the citizens of Lubbock and the surrounding area; and

WHEREAS, declaring and continuing a state of disaster will facilitate and expedite the use and deployment of resources to enhance preparedness and response; and

WHEREAS, on April 27, 2020, the Governor announced Phase I of the plan to reopen Texas, accompanied by *Texans Helping Texans: The Governor's Report to Open Texas*, a detailed report, available on the Governor's Strike Force to Open Texas website, intended to help Texans understand Phase I by outlining the new protocols, guidance, and recommendations; and

WHEREAS, on May 18, 2020, the Governor announced Phase II of the ongoing plan to open additional businesses and activities in Texas, expanding upon the businesses and activities included in the first phase of the plan to Open Texas while minimizing the spread of COVID-19. All newly opened businesses and services are subject to the recommended minimum standard health protocols outlined by DSHS; and

WHEREAS, while local officials may enforce the governor's executive orders as well as local restrictions which are consistent with the executive orders, primary

responsibility for interpreting and enforcing the Governor's executive orders rests with state law enforcement and regulatory agencies; and

WHEREAS, as businesses begin to reopen, it is appropriate for the City of Lubbock to focus its efforts on education and voluntary measures to respond to mitigate the spread of the disease and preserve and protect public health; and

WHEREAS, the City of Lubbock should continue to monitor the local spread of COVID-19 and respond to any concentrations of infection; and

WHEREAS, the City of Lubbock has seen an increase in the number of persons testing positive for the COVID-19 virus; and

WHEREAS, the governor's executive order GA-28 provides that no civil or criminal penalty may be imposed on individuals for failure to wear a face covering; and

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

- 1) COVID-19 continues to pose an imminent threat of disaster to the City of Lubbock; and
- 2) Pursuant to §418.108(a) of the Government Code, a local state of disaster is hereby declared for the City of Lubbock, Texas; and
- 3) Pursuant to §418.108(b) of the Government Code, the state of disaster shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed by the City Council of Lubbock; and
- 4) Pursuant to §418.108(c) of the Government Code, this declaration shall be given prompt and general publicity and shall be filed promptly with the City Secretary; and
- 5) Pursuant to §418.108(d) of the Government Code, this declaration of a local state of disaster activates the city's emergency management plan. The furnishing of aid and assistance under the declaration is hereby authorized. The appropriate preparedness and response aspects of the plan are activated and take effect immediately after this local state of disaster is declared; and
- 6) The use of all available resources of the City of Lubbock that are reasonably necessary to cope with this disaster are hereby authorized; and

- 7) 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; and
- 8) Pursuant to §418.108(g) of the Government Code, the Mayor of the City of Lubbock may control ingress to and egress from a disaster area within the incorporated limits of the City of Lubbock and control the movement of persons and the occupancy of premises in that area; and
- 9) Pursuant to §122.006 of the Health & Safety Code, the City of Lubbock may adopt rules to protect the health of persons in the municipality, including quarantine rules to protect the residents against communicable disease; and
- 10) The virus that causes COVID-19 is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle an influx of patients and safeguard public health and safety.

#### **VOLUNTARY LUBBOCK SAFE! PROGRAM**

- 11) The voluntary *Lubbock Safe!* Guidelines (available for review on the City of Lubbock website at: <https://ci.lubbock.tx.us/lubbocksafe>) are in addition to the mandatory regulations required by the Governor's Executive Order (GA-21 and any subsequent executive order) and are not required. Businesses and their customers who choose to adhere to these voluntary guidelines demonstrate that they are going above and beyond the required health and safety protocols, and entitle a business to use the *Lubbock Safe!* designation in its advertising and marketing; and
- 12) The Mayor, or his designee, may amend the *Lubbock Safe!* Guidelines, and may issue clarifying or interpretive guidance, to respond to the evolving circumstances of this outbreak, to respond to subsequent executive orders, and to aid businesses and their customers in adhering to the intent of this voluntary program.

#### **ADDITIONAL REQUIREMENTS**

- 13) The Mayor may update any restrictions set out in this order as necessary to respond to the evolving circumstances of this outbreak during the duration of the Disaster Declaration issued on March 16, 2020 and any

extension of the Declaration by the City Council of the City of Lubbock;  
and

- 14) Subject to the guidance set forth in the Governor's executive orders, the Lubbock Health Department may require additional occupancy, sanitation, signage, and social distancing practices for any business which remains open; and
- 15) 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
- 16) All commercial entities in the City of Lubbock providing goods or services directly to the public must develop and implement a health and safety policy ("Health and Safety Policy"). The Health and Safety Policy must require, at a minimum, that all employees wear face coverings when in an area or performing an activity which will necessarily involve close contact or proximity to co-workers or the public where six feet of separation is not feasible.

While a commercial entity may develop and implement its own Health and Safety Policy, adoption and implementation of the *Lubbock Safe!* guidelines, applicable to the type of commercial entity involved, and with the required face covering provisions for employees, will satisfy the requirement that the commercial entity develop and implement a Health and Safety Policy.

The Health and Safety Policy required to be developed and implemented by this Disaster Declaration may also include the implementation of other mitigating measures designed to control and reduce the transmission of COVID-19 such as temperature checks or health screenings. Commercial entities must post the Health and Safety Policy required by this Disaster Declaration in a conspicuous location sufficient to provide notice to employees and visitors of all health and safety requirements.

Consistent with the governor's executive order GA-28, no civil or criminal penalty will be imposed for failure to wear a face covering; and


- 17) For any outdoor gathering estimated to be in excess of 100 people, other than those set forth in paragraph numbers 1, 2, or 4 of Governor Abbott's executive order GA-28, adopted June 26, 2020, the gathering is prohibited unless approved by the Mayor. Such approval can be made subject to certain conditions or restrictions not inconsistent with the governor's executive orders.

- 18) Other than the exceptions specifically provided in the executive orders of Governor Greg Abbott, individuals at outdoor events where social distancing is not feasible and where it is estimated that 100 people or more are present, are required to wear face coverings.
- 19) Individuals visiting City facilities or events at City facilities are required to wear face coverings. This provision applies equally to City employees and volunteers as well as to visitors to City facilities and events.
- 20) The requirement of a face covering applies only when in an area or performing an activity which will necessarily involve close contact or proximity to other people where at least six feet of separation is not feasible, but does not apply if covering the nose and mouth poses a significant mental or physical health risk to the individual or when wearing a face covering is impractical due to the immediate circumstances.
- 21) Face coverings may include homemade masks, scarfs, bandanas, or a handkerchief. Face coverings must be worn to simultaneously cover the nose and mouth.

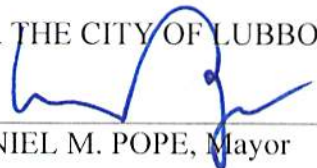
#### **ENFORCEMENT**

- 22) As permitted by the Governor's executive orders, local officials may enforce the governor's executive orders as well as local restrictions which are consistent with the executive orders; however, the City of Lubbock shall defer primary responsibility for interpreting and enforcing the Governor's executive orders to state law enforcement and regulatory agencies; and
- 23) Pursuant to Lubbock City Ordinance 1.04.007, the duties and powers of the chief of police, the chief of the fire department and the fire marshal are hereby amended such that if the owner or person responsible for the condition of a building or structure or premises, whether a resident or nonresident of the city, fails to comply with the order of the chief of police, the chief of the fire department and the fire marshal, to limit social gatherings in compliance with this Declaration in or on the building or structure or on the lot, tract or parcel of land or premises where such health hazard exists, as directed by the chief of police, the chief of the fire department and the fire marshal, the chief of police, the chief of the fire department and the fire marshal may abate the use of nonresidential buildings or structures, and to that end the chief of police, the chief of the fire department and the fire marshal shall have authority to close said nonresidential building or structure and to prevent its use or occupancy until the order of the chief of police, the chief of the fire department and the fire marshal has been complied with; and


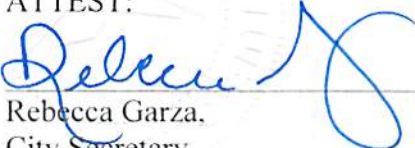
- 24) Pursuant to Lubbock City Ordinance 1.04.010, it shall be unlawful for any person willfully to obstruct, hinder or delay any member of the civil defense organization in the enforcement of any rule or regulation issued pursuant to this article or to do any act forbidden by any rule or regulation issued pursuant to an emergency declaration; and
- 25) Pursuant to §418.173, failure to comply with an emergency management plan or with a rule, order, or ordinance adopted under the plan is an offense, punishable by a fine not to exceed \$1,000; however, this provision does not apply to any requirement to wear face coverings; and
- 26) Peace officers, the Lubbock Police Department, the Lubbock Code Enforcement Department, the Lubbock Environmental Health Department, the Lubbock Health Department, and the Lubbock Fire Marshall's Office, are hereby authorized to enforce this order; and
- 27) That should any paragraph, sentence, clause, phrase or word of this Declaration be declared to be in conflict with an executive order of the Governor, or be declared to be unconstitutional or invalid for any reason, the remainder of this Declaration shall not be affected thereby; and
- 28) That this Declaration shall take effect at 12:01 a.m. on June 29, 2020, shall supersede and supplant all prior Declarations. The provisions set forth in paragraphs 16, 18, and 19 shall continue through July 28, 2020, with all other provisions continuing through December 31, 2020, subject to the consent and approval of the City Council, and any extension thereafter based on the status of COVID-19 in Texas and the recommendations of the Office of the Governor and the Guidelines from the President and the CDC.

SO DECLARED and ORDERED on **June 26, 2020** at <sup>4:45</sup>~~3:00~~ P.M. 


FOR THE CITY OF LUBBOCK, TEXAS:

  
DANIEL M. POPE, Mayor

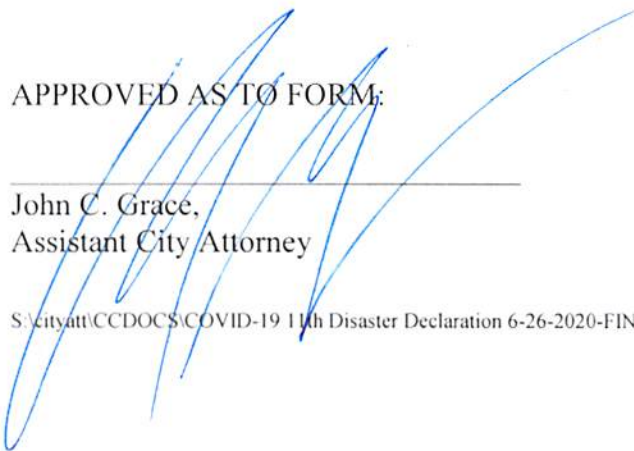
ATTEST:

  
  
Rebecca Garza,  
City Secretary

APPROVED AS TO CONTENT:

  
W. Jarrett Atkinson,  
City Manager

APPROVED AS TO FORM:



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John C. Grace,  
Assistant City Attorney

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