

CITY OF LEVELLAND, TEXAS
LEVELLAND CITY COUNCIL EMERGENCY MEETING
THURSDAY MARCH 26, 2020 6:00 PM
CITY HALL, R.O. DENNIS COUNCIL CHAMBERS 1709 AVENUE H

NOTICE OF EMERGENCY MEETING

Notice is hereby given of an **Emergency Meeting of the Levelland City Council**, as authorized by Section 551.045 of the Texas Local Government Code, to be held on Thursday, March 26, 2020, beginning at 6:00 p.m. in the R.O. Dennis City Council Chambers, located at 1709 Avenue H, Levelland, Texas.

SUPPLEMENTAL NOTICE OF MEETING BY VIDEO/TELEPHONE CONFERENCE

In accordance with order of the Office of the Governor issued March 16, 2020, the City Council of the City of Levelland will conduct this Emergency Meeting in the R.O. Dennis City Council Chambers, located at 1709 Avenue H, Levelland, Texas by video/telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") to slow the spread of the Coronavirus (COVID-19). The members of the City Council will participate in this meeting remotely through video conference providing for two-way video and audio communication for each member of the City Council.

There will be no public access to the location described above.

This Notice and Meeting Agenda, and the Agenda Packet, are posted online at <https://www.levellandtexas.org/agendapackets>.

The meeting will be conducted via Zoom and will be live streamed via Facebook at the following link <https://www.facebook.com/levellandtexas>.

The public will be permitted to offer public comments during the "Statements by Citizens" portion of the meeting in one of two ways:

- (1) telephonically by calling the City's conference number as follows 806-568-5437; and
- (2) by providing written comments on the Facebook live stream page but only under the following conditions:
 - (a) the written comments must contain the individual's name and address;
 - (b) must include the reference "Public Comment – Levelland Council Meeting"; and
 - (c) must be submitted during or before conclusion of the "Statement by Citizens" agenda item.

Public comments submitted in accordance with the provisions outlined above will be included in the minutes of the meeting.

This meeting will be recorded and the recording will be available to the public in accordance with the Open Meetings Act upon written request.

AGENDA

- ❖ Pledge of Allegiance and Prayer.
- ❖ Statements by Citizens

1. Discussion and necessary action on Resolution No. 2020-09 to renew and/or amend the City of Levelland Declaration of Local State of Disaster due to a Public Health Emergency as it relates to COVID-19 dated March 19, 2020.
2. Consider and take necessary action on Ordinance No. 1048 amending Ordinance No. 858 amending the City of Levelland emergency management program.

Adjournment.

CERTIFICATION

DATED THIS THE 26TH DAY OF MARCH, 2020

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the City of Levelland Texas is a true and correct copy of said notice that has been posted on the bulletin board of the City Hall of the City of Levelland, Texas, a place convenient and readily accessible to the general public at all times, and said notice was posted on March 26, 2020, by 12:00 PM and was posted on the City's website and notice was provided to the local media.

Beth A Walls, TRMC, IPMA-SCP, City Secretary

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the bulletin board of City Hall on _____ day of _____, 2020.

Beth A Walls, TRMC, IPMA-SCP, City Secretary

RESOLUTION NO. 2020-09

**CITY OF LEVELLAND, TEXAS RENEWING AND EXTENDING THE
MARCH 19, 2020 MAYORAL DECLARATION OF LOCAL DISASTER**

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 LEVELLAND** and beyond; and

WHEREAS, on March 19, 2020, the Mayor of the City of Levelland, Barbra Pinner, declared a local state of disaster for public health emergency pursuant to Section 418.108(a) of the Texas Government Code, based upon the need for extraordinary measures to contain COVID-19 and to prevent its spread throughout the **CITY OF LEVELLAND**; and

WHEREAS, the President's Coronavirus Guidelines for America, as promulgated by United States President Donald J. Trump and the Centers for Disease Control and Prevention (CDC) on March 16, 2020, call upon Americans to slow the spread of COVID-19 by avoiding social gatherings in groups of more than ten (10) people, using drive-thru, pick-up or delivery options at restaurants and bars, and avoiding visitation at nursing homes, among other steps; and

WHEREAS, the Executive Order by the Governor of the State of Texas relating to COVID-19 preparedness and mitigation, as promulgated by Texas Governor Greg Abbott on March 19, 2020, issued certain mandates necessary to more effectively contain the spread of COVID-19; and

WHEREAS, the City Council of the **CITY OF LEVELLAND** has determined that additional measures must be taken to further contain COVID-19 and prevent its spread throughout the **CITY OF LEVELLAND**; and

NOW THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF LEVELLAND, TEXAS:

SECTION 1. Pursuant to Section 418.108(a) of the Texas Government Code, the Mayoral declaration of a local state of disaster for public health emergency is hereby ratified and renewed for the **CITY OF LEVELLAND**.

SECTION 2. Pursuant to Section 418.108(b) of the Texas Government Code, the Mayoral declaration of a local state disaster for public health emergency shall continue until 11:59 p.m. on April 3, 2020, unless continued or renewed by the City Council of the **CITY OF LEVELLAND**.

SECTION 3. 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 of **CITY OF LEVELLAND**.

SECTION 4. Pursuant to Section 418.108(d) of the Texas Government Code, this resolution and order renewing the declaration of a local state of disaster activates the City of

Levelland's Emergency Management Plan, and authorizes the furnishing of aid and assistance under the declaration.

SECTION 5. 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 Levelland, 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 Mayor, 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.

SECTION 6. 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.

SECTION 7. That this resolution and order hereby limits the size of gatherings to not more than 10 people and mandates the cancellation of all such gatherings of more than 10 people until further notice. A "gathering" refers generally to a scheduled event or social endeavor where 10 persons are present in a confined space, room, or area.

SECTION 8. In accordance with Texas Government Code §418.173, this resolution and order is being issued in City of Levelland's Emergency Management Plan and any person who knowingly or intentionally violates this resolution 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.

SECTION 8. That the Mayor is authorized to use all available resources of the City of Levelland reasonably necessary to comply with this resolution.

SECTION 9. This declaration of a state of disaster for public health emergency supersedes all previous declarations issued by **CITY OF LEVELLAND** on this matter that are in conflict or inconsistent with its terms. This resolution and extension of the declaration of a local state of disaster for public health emergency shall remain in full force until 11:59 p.m. on April 3, 2020, subject to being extended, modified, amended, rescinded or superseded under applicable laws.

Passed and approved this _____ day of _____, 2020.

Barbra Pinner
Mayor

ATTEST:

Beth A. Walls, TRMC, IPMA-HR SCP
City Secretary

ORDINANCE NO. 1048

AN ORDINANCE AMENDING THE CITY OF LEVELLAND, TEXAS ORDINANCES NO. 858, AN ORDINANCE ADOPTING AND ESTABLISHING THE CITY'S COMPREHENSIVE EMERGENCY MANAGEMENT PLAN BY ADDING A PENALTY PROVISION AND ESTABLISHING A PENALTY OF A FINE NOT TO EXCEED \$1000.00 OR UP TO 180 DAYS IN JAIL FOR EACH VIOLATION; DECLARING AN EMERGENCY; PROVIDING AN EFFECTIVE DATE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council for the City of Levelland, Texas pursuant to the constitution and laws of the State of Texas including, but not limited to, Article 11, Section 5 of the Texas Constitution as a home rule city and the applicable provisions of Chapters 215 and 217 of the Texas Local Government Code, has the authority to set forth ordinances and regulations and exercise its police powers for the public health, safety, morals, or general welfare of the citizens of the City of Levelland including the regulation of amusements and nuisances; and

WHEREAS, the City Council of the City of Levelland previously passed and approved Ordinance No. 858 that established the City's Comprehensive Emergency Management Plan for protecting lives and property in the City of Levelland from natural or man-caused disasters; and

WHEREAS, Texas Government Code § 418.173 states that an emergency management plan adopted by a municipality may make it a criminal offense for any person who fails to comply with any order, declaration, rule or ordinance adopted or issued pursuant to an emergency plan with such offense being punishable by a fine up to \$1,000.00 or confinement in jail for a term that does not exceed 180 days; and

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

WHEREAS, on March 19, 2020, the Mayor of the City of Levelland, Barbra Pinner, declared a local state of disaster for public health emergency pursuant to Section 418.108(a) of the Texas Government Code, based upon the need for extraordinary measures to contain COVID-19 and to prevent its spread throughout the City of Levelland; and

WHEREAS, pursuant to Section 418.108(d) of the Texas Government Code, the Mayoral declaration of a local state of disaster activated the City of Levelland's Emergency Management Plan; and

WHEREAS, in accordance with the Levelland City Charter, Article VIII, §II, the City Council is authorized to pass an ordinance as an emergency measure declared on the ground of urgent public need for the preservation of peace, health, safety of property; and

WHEREAS, the City Council of the City of Levelland, finds that given the statewide declaration of emergency and the Mayoral declaration of a local disaster regarding the novel coronavirus (COVID-19) that has been recognized as a pandemic by the World Health Organization and is a contagious respiratory virus qualifies as an emergency measure under the Levelland City Charter and does not require two readings as required under Levelland City Charter Article IX, §XIX; and

WHEREAS, the City Council of the City of Levelland, finds the following amendment to 858 providing a penalty provision is reasonable, beneficial and necessary for meeting an urgent public need to preserve the peace, health and/or safety of property and for the general welfare of the citizens of Levelland and a proper exercise of its police power;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF LEVELLAND, TEXAS, THAT:

SECTION 1. The recitals outlined above are found to be true and correct and are incorporated herein as though set forth fully herein.

SECTION 2. The City of Levelland's Comprehensive Emergency Management Plan as adopted by Ordinance 858 is hereby amended by adding a penalty provision which shall read as follows:

OFFENSES: PENALTIES

- (a) It shall be unlawful for any person to fail to comply with the City's Emergency Management Plan or with any rule, order, or ordinance adopted under the City's Emergency Management Plan.
- (b) It shall be unlawful for any person to willfully obstruct, hinder, delay any member of the City's Emergency Management organization in the enforcement of any rule, order or ordinance issued pursuant to the City's Emergency Management Plan.
- (c) It shall be unlawful for any person to wear, carry or display any emblem, insignia, or by any other means of identification as a member of the City's Emergency Management Organization, unless authority to do so has been granted to such person by the Emergency Management Director or the Emergency Management Coordinator.
- (d) Convictions for violations of the provisions of this Ordinance shall be punishable by fine not to exceed one thousand dollars (\$1,000.00) or up to 180 days confinement in jail.

SECTION 3. Penalty. Any person found in violation of any provision of this Ordinance shall be shall be guilty of a misdemeanor and upon conviction thereof shall be fined up to one thousand dollars (\$1,000.00) or confined in jail up to 180 days.

SECTION 4. Emergency Measure/Effective Date. This ordinance has been declared an emergency measure pursuant to Levelland City Charter Article VIII, §II thus requiring only one

reading pursuant to Levelland City Charter Article IX, §XIX and shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION 5. Repealed. All other terms and provisions of Ordinance 858 of the City of Levelland, not in conflict herewith and not hereby amended shall remain in full force and effect.

SECTION 6. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Levelland, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 7. Publication. The City Secretary of the City of Levelland is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

Passed and approved on first and only reading this _____ day of _____, 2020.

Barbra Pinner
Mayor

ATTEST:

Beth A. Walls, TRMC, IPMA-HR SCP
City Secretary