

**DECLARATION OF LOCAL STATE OF DISASTER  
FOR PUBLIC HEALTH EMERGENCY**

**BY MAYOR BRUCE ARCHER**

**CITY OF MESQUITE, TEXAS**

**MARCH 23, 2020**

\*\*\* RELATING TO COVID-19 \*\*\*

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**WHEREAS**, beginning in or about December 2019, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, has spread throughout the world; and

**WHEREAS**, COVID-19 has been recognized globally as a contagious respiratory virus and symptoms include fever, coughing and shortness of breath and, in some cases, has caused death; and

**WHEREAS**, the Centers for Disease Control and Prevention (CDC) has advised that person-to-person contact heightens the risk of COVID-19 transmission; and

**WHEREAS**, on March 5, 2020, the World Health Organization urged aggressive preparedness and activation of emergency plans to aggressively change the trajectory of this epidemic; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared COVID-19 a worldwide pandemic; and

**WHEREAS**, on March 12, 2020, Dallas County Judge Clay Jenkins issued a [Declaration of Local Disaster for Public Health Emergency](#) and [ORDER OF COUNTY JUDGE CLAY JENKINS dated March 12, 2020](#); and

**WHEREAS**, on March 13, 2020, President Donald J. Trump issued a [Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease \(COVID-19\) Outbreak \[Proclamation No. 9994, 85 F.R. 15337 \(March 13, 2020\)\]](#); and

**WHEREAS**, on March 13, 2020, Texas Governor Greg Abbott issued a [Proclamation](#) certifying that COVID-19 poses an imminent threat of disaster in the state of Texas and declaring a state of disaster for all counties in Texas; and

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

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**WHEREAS**, on March 16, 2020, Dallas County Judge Clay Jenkins issued an [AMENDED ORDER OF COUNTY JUDGE CLAY JENKINS dated March 16, 2020](#), amending the March 12, 2020 ORDER; and

**WHEREAS**, on March 18, 2020, Dallas County Judge Clay Jenkins issued an [AMENDED ORDER OF COUNTY JUDGE CLAY JENKINS DATED MARCH 18, 2020](#); and

**WHEREAS**, on March 18, 2020, Kaufman County Judge Hal Richards issued a [Declaration of Local Disaster for Public Health Emergency](#); and

**WHEREAS**, the Texas Department of State Health Services has now determined that, as of March 19, 2020, COVID-19 represents a public health disaster within the meaning of [Chapter 81](#) of the Texas Health and Safety Code; and

**WHEREAS**, under the Texas Disaster Act of 1975, “[t]he governor is responsible for meeting . . . the dangers to the state and people presented by disasters” ([Section 418.001](#) of the Texas Government Code), and the legislature has given the governor broad authority to fulfill that responsibility; and

**WHEREAS**, on March 19, 2020, the Texas Governor Greg Abbott has issued [Executive Order GA 08, Relating to COVID-19 preparedness and mitigation](#); and

**WHEREAS**, on March 21, 2020, Dallas County Judge Clay Jenkins issued an [AMENDED ORDER OF COUNTY JUDGE CLAY JENKINS dated March 21, 2020](#), amending the March 12, 2020 ORDER; and

**WHEREAS**, on March 22, 2020, Dallas County Judge Clay Jenkins issued an [AMENDED ORDER OF COUNTY JUDGE CLAY JENKINS dated March 22, 2020](#), amending the March 12, 2020 ORDER, included in that AMENDED ORDER is a mandatory Shelter-in-Place (Stay-At-Home) directive with only *essential activities, essential governmental functions* and *essential businesses* being excepted; and

**WHEREAS**, COVID-19 continues to spread and pose an increasing, imminent threat of disaster throughout Texas; and

**WHEREAS**, extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout the State of Texas, Dallas and Kaufman Counties, and the City of Mesquite; and

**WHEREAS**, the continued worldwide and local spread of COVID-19 presents an imminent threat of widespread illness, requiring emergency action; and

**WHEREAS**, unless the actions as hereby provided are immediately initiated, avoidable serious illness and deaths could occur; and

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**WHEREAS**, pursuant to the [Texas Disaster Act of 1975, Texas Government Code, Chapter 418](#), the Mayor of the City of Mesquite, Texas, may declare a local state of disaster in the City, and may exercise the powers granted therein on an appropriate local scale; and

**WHEREAS**, a declaration of local state of disaster includes the ability to take measures to reduce the possibility of exposure to disease, mitigate the risk, and promote the health and safety of the residents of the City of Mesquite, Texas; and

**WHEREAS**, the measures identified in this Declaration are designed to prevent deaths in the City; and

**WHEREAS**, this 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 Texas Government Code Chapter 418; and

**WHEREAS**, I, Bruce Archer, the Mayor, and presiding officer of the City Council, of the City of Mesquite, Texas, have determined that in order to remain consistent with the aforementioned Declarations, Proclamations, Orders, and Executive Orders, extraordinary and immediate measures must be taken to respond quickly, prevent and alleviate the suffering of people exposed to and those infected with the Coronavirus, as well as those that could potentially be infected or impacted by COVID-19 within the City of Mesquite, Texas; and

**WHEREAS**, the City will work collaboratively with the its bordering cities, Dallas and Kaufman Counties, and the state of Texas to ensure that all appropriate and necessary measures are taken to limit the development, contraction and spread of COVID-19.

**NOW, THEREFORE**, by virtue of the authority vested in me by the City of Mesquite, Texas, City Charter, and the Mesquite City Code and the laws and regulations of the state of Texas, **I, MAYOR BRUCE ARCHER, HEREBY PROCLAIM AND DECLARE:**

**SECTION 1.** A local state of disaster for public health emergency for the City of Mesquite, Texas, pursuant to [§ 418.108\(a\)](#) of the Texas Government Code.

**SECTION 2.** This declaration of a local state of disaster activates the City of Mesquite's Emergency Operations Plan and any other applicable emergency management plans, and all Charter, statutory and ordinance powers vested in applicable City staff, the Mayor and City Council to act in this local state of disaster are hereby activated, pursuant to [§ 418.108\(d\)](#) of the Texas Government Code. This Declaration further activates the recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans and authorizes the furnishing of aid and assistance as deemed necessary or desirable by those administering such plans.

**SECTION 3.** This declaration authorizes the Mayor to control the movement of persons and occupancy of premises in the City, pursuant to [§ 418.108\(g\)](#) of the Government Code.

- SECTION 4.** This declaration authorizes the City Manager or his designee, if needed, to: (1) implement skeleton crew days, (2) close the administrative offices, or (3) close the City's physical offices for purposes of a public health response.
- SECTION 5.** This declaration authorizes the City Manager or his designee, on behalf of the City Council, to take any actions reasonably necessary in regards to processing records requests made pursuant to the Public Information Act, including but not limited to authorizing the filing of a Public Information Act Catastrophe Notice implementing an initial suspension period and any subsequent extension thereof for the City's responses to records requests, authorized by and pursuant to [Section 552.233](#) of the Government Code.
- SECTION 6.** The City is authorized to adopt rules to protect the health of persons in the City including quarantine rules to protect its residents against communicable disease and provide for establishment of quarantine stations, emergency hospitals and other hospitals, pursuant to [§ 122.006](#) of the Texas Health and Safety Code.
- SECTION 7.** The City of Mesquite, Texas, and its residents are directed to read and comply with Texas Governor Greg Abbott's [Executive Order GA 08](#).
- SECTION 8.** In accordance with Governor Greg Abbott's [Executive Order GA 08](#), ORDER No. 1, every person in Texas shall avoid social gatherings in groups of more than 10 people.
- SECTION 9.** In accordance with Governor Greg Abbott's [Executive Order GA 08](#), offices and workplaces that remain open, employees should practice good hygiene and, where feasible, work from home in order to achieve optimum isolation from COVID-19.
- SECTION 10.** The City of Mesquite, Texas, and its residents are directed to read and comply with the Dallas County [AMENDED ORDER OF COUNTY JUDGE CLAY JENKINS dated March 22, 2020](#), amending the March 12, 2020 ORDER, included in that AMENDED ORDER is a mandatory Shelter-in-Place (Stay-At-Home) directive with only *essential activities*, *essential governmental functions* and *essential businesses* (as defined therein) being excepted; and
- SECTION 11.** This declaration of a local state of disaster shall continue for a period of not more than seven (7) days from the date of this declaration unless continued or renewed by the City Council of Mesquite, Texas, pursuant to [§ 418.108\(b\)](#) of the Texas Government Code.

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- SECTION 12.** This Declaration of a Local State of Disaster for Public Health Emergency: COVID-19 shall be given prompt and general publicity and shall be filed promptly with the City Secretary, and the Dallas and Kaufman County Clerks, pursuant to [§ 418.108\(c\)](#) of the Texas Government Code.
- SECTION 13.** The City Secretary is directed to post the Dallas County [AMENDED ORDER OF COUNTY JUDGE CLAY JENKINS dated March 22, 2020](#) and this Declaration of Local State of Disaster for Public Health Emergency: COVID-19 on the City's bulletin boards and web-site.
- SECTION 14.** If any subsection, sentence, clause, phrase, or word of this Declaration or any application of it to any person, structure, 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 remaining portions or applications of this Declaration.
- SECTION 15.** In the event of a conflict between this Declaration, and any other Declaration, Proclamation, Order, or Executive Orders from the Dallas County Judge, the Kaufman County Judge, the Texas Governor, the President of the United States, or another controlling authority, the Declaration, Proclamation, Order, or Executive Orders from the aforementioned individuals will prevail regarding a conflicting provision, but only to the extent it cannot be reconciled; the remainder of this Declaration shall remain in full force and effect during the period stated unless otherwise amended or revoked.
- SECTION 16.** Nothing in this declaration prohibits the City from pursuing civil and criminal enforcement remedies and penalties concurrently or availing itself of any other remedy allowed by local, state or federal law. Any violation of the provisions or terms of the Emergency Management Plan, established under Chapter 2, [Article VI](#) titled "Emergency Management", of the Mesquite City Code, by any "person," (as defined in Mesquite City Code, Chapter 1, [Section 1-2](#)) may be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, subject to either a penalty of fine not to exceed ONE THOUSAND DOLLARS (\$1,000.00) or confinement in jail for a term that does not exceed 180 days for each offense, as provided in Texas Government Code, [Chapter 418](#), [§418.173](#).
- SECTION 17.** This Declaration shall take effect immediately from and after its issuance.

**DECLARED** at 5:25 o'clock, p.m. this 23rd day of March 2020.

**Bruce Archer**  
Mayor, City of Mesquite, Texas